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## The Solicitors' Journal.

LONDON, OCTOBER 31, 1868.

WE UNDERSTAND that Mr. Justice Blackburn, Mr. Justice Willes, and Baron Martin, the senior puisne judges in the common law courts, are willing to be placed on the rota for the trial of election petitions under the new Act. If that is the case, they will doubtless be selected by their brethren for the duty. The design of the Legislature when they parted with their own jurisdiction was doubtless to confer it only on judges of established judicial reputation, rather than on any newly-appointed officers, however high their personal character; and it is creditable to the senior judges that they should be willing, with a view of carrying out this design, to undertake these new, and, in the ensuing year probably, onerous duties. It will be remembered that the proposition to give an increased salary to the judges undertaking these duties was ultimately rejected, and the single advantage they will obtain will be that their expenses in trying the petitions will be defrayed by the public, while they will probably be relieved from going on circuit, which would be at their own expense. In the hands of the three judges in question the new system will have the best possible trial. Only one of the three, Mr. Baron Martin, has ever been before the public as a politician, and in his case, while his high personal character will prevent any suspicion of partiality, his great shrewdness and knowledge of the world make admirably fitted to conduct such an inquiry. Mr. Justice Willes and Mr. Justice Blackburn have perhaps the highest legal reputation of any judges on the bench, and although their temporary absence from the courts in banc will be much felt, yet they best represent the class of judges on whom the Legislature probably desired to confer this jurisdiction, viz., those who have obtained their position by their legal attainments, rather than their political services.

The Act provides that "the judges, for the time being, on the rota" may make rules of court. The three judges, therefore, who may happen to form the first rota will have no light task before them. Frequently throughout the Act occur directions that certain things shall be done in the "prescribed" manner, or by the "prescribed" officer, "prescribed" meaning "prescribed by the rules of court." The first three bribery judges will have to provide for all these things.

UP TO THURSDAY EVENING the number of registration appeals entered for England was forty-seven. The time up to which appeals can be entered is the evening of the fourth day of Michaelmas Term (November 5th). It will be remembered that besides the notice of intention to prosecute the appeal, required by 6 & 7 Vict. c. 18, to be given to the respondent at the time when the statement is transmitted to the masters of the Common Pleas, the same Act requires ten days' notice to be given to the respondent before the day fixed for hearing. The respondent may, by appearing, waive this requirement, otherwise the appeal will be struck out.

WE PRINT in another column a list of the lawyers, barristers, and solicitors who are at present before the public

as candidates to represent constituencies in England and Ireland in the ensuing Parliament. From this list it appears that 121 English barristers are candidates, of whom only 61 are practising barristers; 17 members of the Irish bar, 6 of them practising barristers, together with 6 members of the English bar, of whom 2 are practising barristers, are candidates for Irish seats. The number of solicitors in the field is 9, 8 English and 1 Irish.

THE CONTROVERSY between the Bishop of Chichester and the Rev. John Purchas, of Brighton, has recently drawn attention to the legal relations existing between a bishop and his parochial clergy, and to the powers of summary jurisdiction which he can exercise over them. In the present case the bishop, before formally serving Mr. Purchas with notice of legal proceedings, assumed to inhibit him from officiating as minister of St. James' chapel, Brighton, on the ground of his having, by his manner of conducting the services there, infringed the law of the church, and the question is whether he had power to do so. The two letters which passed between the parties will explain in a few words the position taken up by each. "The illegal proceedings imputed to you," writes the bishop, "are of so grievous a nature as to compel me to refer the charge against you to a legal tribunal. Meanwhile I feel it my duty to inhibit you, and I do accordingly hereby inhibit you both from preaching and from taking any part in the celebration of Divine service, and in the administration of the Sacraments within my diocese." To this Mr. Purchas replied, "I think you misapprehend my position in the diocese, which is not that of a curate, but of the incumbent of a benefice, as appears from the Church Discipline Act. s. 14. I must ask your Lordship to reconsider the question of inhibition, as I think you write in error." The bishop's rejoinder took no notice of this request, but practically Mr. Purchas has come off victorious, as he has ostentatiously treated the inhibition as void.

There can be little doubt that he is justified in law in taking this course. The only clergy who can be summarily suspended by a bishop are stipendiary curates. They have no "benefice," and their only title to perform divine service in a particular diocese is derived from the episcopal licence, which may be revoked at any moment at the bishop's discretion. By the 1 & 2 Vict. c. 106, s. 98, a bishop has power conferred on him "after having given to the curate sufficient opportunity of showing reason to the contrary, to revoke summarily, and without further process, any licence granted to any curate, and to remove such curate for any cause which shall appear to the bishop to be good and reasonable;" provided always that the curate may appeal to the archbishop of the province within a month after service on him of the revocation of his licence. This sweeping enactment places curates entirely under the control of the diocesan, on whose discretion no limitations whatever are placed. (See *Poole v. The Bishop of London*, 7 W. R. Eccl. Dig. p. 22). But there is no similar authority given to a bishop over the "beneficed" clergy, a term which includes ministers in Mr. Purchas' position. He is, as we understand it, the clergyman of a parochial chapel. Now, formerly he would not necessarily have been, as such clergyman, the incumbent of a "benefice," for he is only a "perpetual curate;" and until the year 1838, a perpetual curacy was not in any sense a benefice. In that year, however, the 1 & 2 Vict. c. 106, s. 124 (the Pluralities Act), enacted, that where the term "benefice" was used in that Act it should be understood to include "benefice with cure of souls . . . and therein to comprehend all parishes, perpetual curacies . . . endowed public chapels, parochial chapelries and chapelries, or districts belonging, or reputed to belong, or annexed, or reputed to be annexed, to any church or chapel;" and in the Church Discipline Act (3 & 4 Vict. c. 86) a similar interpretation of the term is adopted. The effect of these

two Acts, therefore, is to confer the status of a beneficed clergyman, at all events for the purposes of preferment and discipline, on the incumbent of any parochial chapel or chapel of ease.

Under these circumstances the provisions of the 1 & 2 Vict. c. 106, s. 98, do not apply to Mr. Purchas, and he can only be dealt with under the 14th section of the 3 & 4 Vict. c. 86, whereby a power of inhibition is indeed given to the bishop, but only pending *actual proceedings* before him, or in any Ecclesiastical Court. We should add that we have taken it for granted, throughout these observations, that St. James' is not a mere private proprietary chapel. In that case, the power of the bishop to inhibit summarily, and for any reason, and even before the institution of formal proceedings, seems still to exist. (See *Hodgson v. Dillon*, 2 Curteis, 391).

WE LEARN FROM THE *Scotsman* that the hearing of the registration appeals has already commenced in Scotland, on the 25th, before Lords Benholme, Ardmillan, and Manor. The first three days were devoted to appeals from the Northern burghs, the Wigtown district of burghs, and the county of Wigtown, with a roll of ninety appeals, of which thirty-three were from the burgh of Wick, nineteen from the burgh of Tain, and fifteen from Wigtown county.

WE HAVE BEFORE HAD occasion to notice the different opinions held by Messrs. Pitt Taylor and Stonor, the learned judges of the Lambeth and Wandsworth County Courts, as to the engagement of domestic servants, in a certain legal point of view. Mr. Stonor, at Wandsworth, thinks that there is one invariable rule as between master and maid—viz., a month's notice or a month's wages—and decides accordingly. Mr. Pitt Taylor thinks that there is a different usage as to the first fortnight; he considers the first fortnight (not the first month, as we once imagined his opinion to be) is probationary on either side, and that during that first fortnight either party may give notice to end the engagement at the end of the month; and in this view Mr. Pitt Taylor was once compelled to decide a case against Mr. Stonor appearing and arguing as a defendant in the Lambeth Court. The difference of opinion between these two judicial neighbours is illustrated by two cases, which we reported last week, from their respective courts. In the meantime we very much wish, for the sake of certainty and convenience, that one rule could be determined upon.

IT APPEARS THAT WE HAVE not yet heard the last of the case of Madame Rachel; for the conviction is to be brought before a superior court by writ of error, the Attorney-General having issued his fiat for this purpose. Mr. Gibbons applied a few days ago to have the record amended so as to show exactly which of the judges or commissioners of the court were present upon each day of the trial, and his application was granted. It appears that on the first day there were present Mr. Commissioner Kerr and Alderman Causton, on the second Mr. Commissioner Kerr and Alderman Hale, and on the third Mr. Commissioner Kerr and Alderman Causton, Mr. Kerr, of course, actually trying the case throughout. There appear, from what passed, to be several grounds of error relied upon. One is, that Mr. Commissioner Kerr is not entitled to sit as a judge of the court. This is only, in a new form, one of the questions which have been long in issue between the learned commissioner himself and the Corporation. Mr. Kerr, it will be remembered, maintained that as he originally sat as judge of the Sheriffs' Court, and as the County Court Act, 1867, changed that court into the City Court, it was no longer his right or his duty to sit at the Old Bailey. It will probably be very convenient to Mr. Kerr and the Corporation to have this question decided without expense to themselves.

Another ground of objection which seems to be suggested by Mr. Gibbons in making his application is, that the Court was differently constituted on the several days of the trial. Whether this point is to be argued or not, we do not of course know. But whether this be so or not, and whether there be anything in it or not, the whole facts shows in a strong light the utter absurdity of the present constitution of the court. Can anything be more absurd than to issue a commission to two classes of persons, one class of real judges, who are to sit as judges and act as judges, the other class of nominal judges, who are to sit on the bench, and try to look like judges, but do nothing, who are in fact such mere cyphers even in their own estimation that they themselves see no impropriety in one of their number sitting during one half of a trial and another during the other half.

THE PROCEEDINGS which had been long pending against Mr. F. Doulton, M.P. for Lambeth, before the Tribunal Correctionnel, in Brussels, arising out of his dealings with the Belgian Public Works Company, were brought to a close on Thursday. The criminal charge against Mr. Doulton was one of misrepresentation and fraud, amounting in fact to a charge of swindling, it being alleged that the accused had fraudulently concealed from the company the fact that he was, as alleged, receiving and retaining for his own purposes a certain "*pot de vin*," amounting to some £100,000. After hearing an enormous mass and complication of evidence the three judges of the Tribunal Correctionnel arrived at the conclusion that as the representations were made in a foreign country, and as the contract by which he gained a pecuniary advantage from them was executed in a foreign country, and as it had not been established that the Belgian shareholders had been induced to take the shares by any fraudulent manoeuvres on the part of Doulton, the offence with which he was charged did not come within the new penal code of Belgium. It is stated that the public prosecutor will appeal against this judgment.

#### STOPPAGE IN TRANSITU.

It has often been debated whether this right was originally of equitable origin, or a principle of common law. But originally there can be no doubt it was a part of the law merchant adopted by courts of law as well as of equity for the convenience of traders, that most favoured class in the eye of English law. The rule is this, as stated in its naked form, that a seller, on hearing of the buyer's bankruptcy or inability to pay his debts, has a right to stretch out his arm and stop the goods if he can before they come into the possession of the buyer or his assignees. The question, then, in every case where the exercise of this right is disputed, will be, at what point did the transit end and the buyer's possession commence? since the buyer's possession terminates at once and for ever the transit, and with it the right of stoppage *in transitu*. The reason of the rule is said to be, that the goods of one man ought not to be applied in payment of another man's debts; the right, it will be remembered, only arising where the buyer is bankrupt, or in pecuniary difficulties, and when it does arise, displacing the general principle upon which we had occasion to remark some time ago,\* that delivery to a carrier appointed by the buyer is a constructive delivery to the buyer himself, so as to defeat the seller's lien on the goods for unpaid purchase-money.

It has been doubted whether the effect of the exercise of this right is entirely to rescind the contract of sale, or to replace the vendor in the same position as if he had not parted with the possession of the goods, so as to entitle him to hold the goods until the price is paid. In *Wentworth v. Outhwaite*, 10 M. & W. 436, the Court of Exchequer inclined to the latter opinion. The Court, in

\* *Supra*, 647.

*Clay v. Harrison*, 10 B. & C. 99, held that stoppage *in transitu* reverts in the owner his right of property, and places him in the same situation as if he had not parted with the goods—in other words, restores to him the lien for the unpaid purchase-money which he had before parting with the possession. That is all that justice seems to require, for there is no obvious reason why the contract of sale should be rescinded by the act of stoppage, and it appears to be the better opinion that it is not thereby rescinded.

There is no exception to the rule, which applies uniformly to all goods until the transit is at an end, where the consignee is bankrupt or insolvent. It has been held to exist even in a case where the consignee chartered a vessel at his own risk to go to fetch the goods: *Bohtlink v. Inglis*, 3 East. 381, where it was held that by the delivery of goods on board under such circumstances the consignor's right was not defeated, any more than if the ship had been a general ship. Nor is the right divested by the circumstance of the goods being attached *in transitu* at the suit of a creditor of the consignee: *Smith v. Gow*, 1 Camp. 282; nor where goods are detained at the Custom-house for non-payment of customs dues, and the right to stop is exercised before an actual sale to pay charges has taken place at the instance of the customs officers: *Northey v. Field*, 2 Esp. 613.

It is not our purpose, however, to discuss the general principles of the right of stoppage *in transitu*, which are so fully and ably treated of in Tudor on Mercantile Law, p. 631, but rather to offer some remarks upon the recent case of *Coventry v. Gladstone*, before Vice-Chancellor Wood, reported 16 W. R. 837, L. R. 6 Eq. 44. The material facts, stated as clearly as possible, were as follows:—Goods were shipped by Gillanders, Arbutnot, and Co., merchants of Calcutta, to the order of Waite, a London merchant. Waite obtained the bill of lading from the agents of the Calcutta firm, pledged it to the plaintiffs as a security for an advance of £1,000, and afterwards became bankrupt. By Waite's bankruptcy the right of stoppage *in transitu* arose to the Calcutta firm, as consignors of the goods subject to the plaintiffs' claim. The question in the case arose in this way. On the arrival of the ship in the Thames, the plaintiffs presented the bill of lading, and on payment of the freight, obtained from the ship's brokers an "overside order" for delivery to them of the goods. This order their lighter-man presented to the captain of the vessel, who promised to comply with it so soon as the goods should have been got at, the ship being a general ship, and carrying other cargo at the top of the goods in question. But before the goods were got at, the Calcutta firm's London agent served the captain with a notice to stop the delivery to any persons but themselves. The captain upon this refused to deliver the goods to the plaintiff, who thereupon filed their bill to enforce their rights as assignees of the bill of lading. The question then was, were the Calcutta firm, as the assignees of Waite, entitled to the balance of the proceeds of sale of the goods after satisfaction of the plaintiffs' claim? In other words, were the goods at home, were they in possession of the purchaser, at the time when notice of stoppage was served on the captain of the vessel? As the Vice-Chancellor, following *Spalding v. Ruding*, 6 Beav. 376, was of opinion that the assignment by Waite to the plaintiffs did not destroy the consignor's right of stoppage *in transitu*, *ultra* the particular lien of the mortgagee, we may, for the sake of simplicity, discard the plaintiffs altogether, and treat the question as arising solely between the consignors and their agents on the one hand, and the assignees of the bankrupt consignee on the other hand, and we shall find that in this case, as in every other case of the kind, the sole question of importance was, as we have already said, when did the transit terminate?

In *Whitehead v. Anderson*, 9 M. & W. 518, Baron Parke said, "The law is clearly settled that the unpaid vendor has a right to retake the goods before they have

arrived at the destination originally contemplated by the purchaser, unless in the meantime they have come to the actual or constructive possession of the vendee." The meaning of this is that strictly speaking the destination of the goods is the consignee's warehouse, and until the goods are there, the transit is not at an end. But the purchaser may go to meet the goods on the way, and anticipate the ordinary course of delivery, and by doing so shorten the period during which the vendor's right of stoppage exists. A mere demand by the purchaser without actual delivery before the voyage is over is not enough to defeat the vendor's right (*Jackson v. Nichol*, 5, Bing. N. C. 808); but it seems that the transit may be determined before the arrival of the goods at their original destination by acts on the purchaser's part which amount to acts of ownership, such as taking samples, or removing a portion of the goods. But the present case did not go so far. Had, for instance, the goods been at the top of the cargo instead of at the bottom, they would have been delivered on the presentation of the overside order, and the transit, as we apprehend, would then have terminated, so that the dispute in this case could not have occurred. The question then was narrowed to this, was the promise of the captain to deliver the goods in equity a constructive delivery of possession to the pledgees of the bill of lading so as to determine the transit? The Vice-Chancellor thought not. It often happens that on the arrival of goods at their destination the carrier enters into a fresh agreement to hold the goods as bailee or agent of the consignee for their safe custody until further orders are given for their disposal. This, when it occurs, is an implied determination of the carrying agreement, and an evidence that the transit is over. "A case of constructive possession is where the carrier enters, expressly or by implication, into a new agreement distinct from the original contract for carriage to hold the goods for the consignee as his agent, not for the purpose of expediting them to the place of original destination pursuant to that contract, but in a new character for the purpose of custody, and subject to some new or further order to be given him": Parke, B., in *Whitehead v. Anderson*. Here there was no request or agreement by the captain to keep the goods, but merely an offer to tranship the goods as soon as possible. The goods were afloat, bulk was unbroken, and under these circumstances the Vice-Chancellor held that the transit had not ended, and therefore that the right of stoppage remained with the Calcutta firm, who had exercised it in time through their London agents, and therefore were entitled to the balance which remained after satisfaction of the plaintiff's charge.

#### LEGISLATION OF THE YEAR.

31 & 32 VICTORIE.

CAP. CXXI.—An Act to regulate the sale of poisons and alter and amend the Pharmacy Act, 1852.

The object of this Act is to secure the public from the danger of falling into the hands of incompetent dispensers of medicines, and particularly against the sale of poisons by improper persons or in an indiscriminate fashion. To secure this end it introduces two classes of provisions, the first relating to the assumption of certain titles, and the second relating to the sale of poisons; and the question, what are poisons? is disposed of by the schedules to the Act.

Under the first head the Act makes it unlawful for any person to assume the title of chemist and druggist or chemist or druggist, or similar titles, unless he be either a pharmaceutical chemist within the meaning of the 15 & 16 Vict. c. 56, or a chemist and druggist under this Act. And a chemist and druggist under this Act means one who has heretofore carried on such business, or has been duly registered as an assistant or associate under the earlier Act, or is registered under this Act. And the conditions of registration under this Act are the



same as for registration as an assistant under the earlier Act. The effect of these provisions will be to restrain unqualified persons from calling themselves chemists or druggists, just as they have hitherto been restrained from holding themselves out as pharmaceutical chemists. The penalty for improper assumption of titles is to be £5 for each offence, recoverable in the county court.

Any person compounding medicines of the British Pharmacopœia, except according to its formula, is to be subject to a like penalty.

From the foregoing provisions the business of apothecaries, veterinary surgeons, dealers in patent medicines, and wholesale dealers in poisons are exempted.

With regard to poisons, it is enacted that no one not duly qualified as a pharmaceutical chemist or chemist and druggist may keep open shop for the sale of poisons. And any person transgressing against this enactment or failing to comply with any regulation as to the sale of poisons, to be made by the Pharmaceutical Society, with the sanction of the Privy Council, will be liable to a like penalty recoverable in the same manner.

It is further enacted that it shall be unlawful to sell any poison, either by wholesale or retail, unless the box, bottle, vessel, wrapper, or cover containing the poison be distinctly labelled with the name of the article, and the word poison, and the name and address of the seller. And further, it is unlawful to sell certain poisons (those named in schedule A) to any one unknown to the seller unless introduced by some one known. And upon any such sale the seller must enter in a book in a given form the date, the name of the article and quantity sold, the name and address of the purchaser, and the alleged purpose; and the entry must be signed by the purchaser and the person introducing him. Any offence against these provisions will subject the seller to a penalty of £5 for the first offence, and £10 for any after offence upon summary conviction before two magistrates. But exceptions are made in favour of certain classes of persons and certain transactions.

It was originally proposed, but not enacted, that a peculiar shape of bottle should be appropriated to poisons.

Medicines are, by section 24, brought within the provisions of the Adulteration of Food Act.

This Act is to extend to the whole of Great Britain, but not to Ireland.

*Cap. CXXIV.—An Act to amend the laws relating to the Inland Revenue.*

This Act contains a number of miscellaneous provisions with respect to the Inland Revenue, most of which are of no importance to the general public, or to professional men. But there are one or two points to which attention may well be called.

By section 7, where leaseholds form part of the personal estate, in respect to which probate or administration is granted, and they form the sole security, by way of mortgage, for any debts of the deceased, the mortgage debts may be deducted from the value of the leaseholds in calculating the stamp duty payable.

By section 9 express provision is made for payment of interest at the rate of four per cent. upon arrears of legacy or succession duty.

By section 10 the stamp duty payable upon any foreign or colonial bond, or similar security, for a sum not exceeding £25 is reduced to eightpence.

By section 11 the exemption of mortgages from stamp duty, in the case of building societies, is restricted to mortgages by members for not more than £500.

By section 12 the stamp duty on a transfer of debenture stock is fixed at two and sixpence per cent.

*Cap. CXXV.—An Act to amend the laws relating to election petitions and providing more effectually for the prevention of corrupt practices at Parliamentary elections.*

It is now somewhat more than a century since the first Act was passed purporting to deal with bribery at Parliamentary elections. Since then (1729) we have had

from time to time various enactments dealing with the matter, of which those in force at the date of the present Act were the 4 & 5 Vict. c. 57; 5 & 6 Vict. c. 102; 11 & 12 Vict. c. 98; 15 & 16 Vict. c. 57; 17 & 18 Vict. c. 102; 21 & 22 Vict. c. 87; 26 & 27 Vict. c. 29; and 27 & 28 Vict. c. 8,—of these the present Act repeals the first, second, third, the eighth section of the seventh, and the last.

Undoubtedly the main feature of the Act is the "transfer of jurisdiction," so much fought over both within and without the House of Commons. Heretofore, election petitions were triable only by the Election Committees of the House, appointed under a usage as old as the reign of Queen Elizabeth. These committees tried, so to speak, the individuals before them and the validity of the election—and reported to the House. A trial of the constituency was provided for by the 15 & 16 Vict. c. 57 (not repealed by the present Act), empowering the Sovereign, upon a joint address by both Houses, where a committee had reported an opinion that corrupt practices had prevailed extensively, to appoint a commission (barristers of seven years' standing, not M.P.s) to conduct a local inquiry, in order that the House might deal with the constituency upon presentation of the commissioners' report. Moreover, by section 9 of 26 & 27 Vict. c. 29, when an election committee or commission reported to the House that certain persons had been guilty of bribery or treating, the names (unless certificates of indemnity had been granted) were to be laid before the Attorney-General, with a view to prosecution by him. This provision, however, has been practically a dead letter.

Under the new system the petition will be presented to the Court of Common Pleas at Westminster for an English constituency, to the same Court at Dublin for an Irish one, and to either division of the Inner House of the Court of Session for a Scotch one. (The modifications which adapt the operation of the Act to Scotland being of a merely *mutatis mutandis* character, we shall not further notice them.) The trial of each petition will be, without a jury, by a judge of the Queen's Bench, Common Pleas, or Exchequer, a rota of three judges, one of each court, determined by the judges of each court on or before the third day of every Michaelmas Term; the inquiry to be conducted on the spot. In order to maintain a sufficiency of judge power for the ordinary business of the courts, her Majesty is empowered to appoint an additional puisne judge to each court; in pursuance of which power Sir George Hayes, Sir W. Balliol Brett, and Sir Anthony Cleasby were recently raised to the bench. It was originally proposed, as it will be remembered, that the jurisdiction over these petitions should be transferred to election commissioners to be selected from a panel of barristers of a certain standing; the Commons, however, declining to part with their jurisdiction to anything less than ermine, the task was thrust upon the judges, and, whatever may have been the objections entertained to this latter plan, it is a matter for congratulation that at any rate a transfer has now been effected, though not in the form originally proposed. The old election committees, M.P.s sitting in judgment upon their fellows, were accustomed to exercise a somewhat remarkable leniency; possibly the consideration "it may be our own case to-morrow" was not overlooked. At any rate it went very hard under the old system before an election committee could be brought to find a verdict reflecting on a constituency or a candidate, and it is probable that when the new tribunal sits, the little fingers of the judges will prove thicker than the loins of the old committees. The Act contains, moreover, a provision which will militate greatly against the trafficking in and "squaring" of petitions. By section 35, "an election petition shall not be withdrawn without the leave of the Court or judge upon special application." (Section 2 provides that "the Court" shall mean the Court of Common Pleas.) As we read this section and we trust that we read it correctly, the judge will have an absolute discretion in the matter; and he



is further empowered, in the event of his allowing a withdrawal, to substitute for the petitioner a properly qualified applicant, and further, if he suspect the withdrawal to have proceeded from corrupt motives, he may retain, on the substitution, the security which the original petitioner had to give. It is also provided that upon abatement of a petition, as described by sections 37, and 38, any person who might have been a petitioner may apply to be substituted as petitioner or respondent, as the case may be. The report of the election judge, in case he reports an opinion that corrupt practices have prevailed extensively in the constituency, will have the same effect as the report of one of the old election committees, and the provision above-mentioned of the 15 & 16 Vict. c. 57, as to the appointment of a commission to try the constituency, will be applicable. It is provided, moreover, by section 16, that the judge's report in respect of persons guilty of corrupt practices (which include undue influence as well as treating) "shall for the purpose of the prosecution of such persons in pursuance of section 9 of 26 & 27 Vict. c. 29," just mentioned, have the same effect as that of an election committee; there is no reason, however, to suppose that this preservation of an old dead letter will quicken it with any new vitality.

As to the manner in which the inquiry is to be conducted, the judges on the rota for the time being are empowered (section 25) to frame rules of court "for the effectual execution of the Act, and of the intention and object thereof, and the regulation of the practice, procedure and costs of election petitions, and the trial thereof, and the certifying and reporting thereon," such rules to be submitted to Parliament. Until rules of court have been made, and as to all points to which, when made, they may not extend, the Court will be governed by the "principle, practice, and rules" applied to the old committees by the 11 & 12 Vict. c. 98. The provisions of that Act contains directions as to the awarding of costs, and it does not seem perfectly clear whether or no the judges are to be governed by those directions as to costs. The present Act gives the judge a power of summoning and examining witnesses not called or examined by either party, and the expenses of such witnesses are by section 34 to be considered expenses incurred in providing a court, and therefore, by section 28, defrayable by the Treasury. The expenses of all other witnesses are to be deemed costs of the petition. Then sections 41 and 42 go on to enact that all costs, charges, and expenses, "except such as by this Act are otherwise provided for," shall be in the discretion of the judge, directions being given him as to the disallowance of the costs of unfounded allegations, and so forth. The 11 & 12 Vict. c. 57, mentioned above, also contained similar directions as to the costs of unfounded allegations, &c. From this it would seem that the provisions of that Act as to costs are not intended to apply to the election judges. It would seem also that the very ample power above cited of framing rules of court committed to these judges, will extend to the making of rules affecting the awarding of costs, and not merely the scale and taxation. The latter is expressly (see section 41, and the interpretation clause) left to be provided for by the rules, but in default of rules, the taxation must, we apprehend, be by the examiner of recognizances or taxing officer of the House of Commons. We do not think it necessary to enter further into the details, which are laid down with considerable minuteness.

Frequently throughout the Act we meet with the words "prescribed manner," "prescribed officer." "Prescribed" is, by the interpretation clause, to mean prescribed by the rules of court, and the "prescribed officer" is to be chosen by the Chief Justice of the Common Pleas from the masters of that court. Costs are by section 41 to be taxed "in the prescribed manner," but according to chancery principles. We presume that the rules may prescribe by whom the taxation is to be conducted?

The report of the judge being equivalent to that of an election committee, it remains to notice the penalties inflicted on corrupt practices.

"Corrupt practice" is, by the interpretation clause, to mean "bribery, treating, or undue influence, or any of such offences as defined by Act of Parliament, or recognised by the common law of Parliament."

The 17 & 18 Vict. c. 102, which is the Act of Parliament defining these offences, does not enact that "bribery," &c., shall mean so-and-so and nothing else, but merely that persons who do so-and-so and so-and-so shall be deemed guilty of bribery, &c.; there is thus a possible margin left for that usage which may come under the old phrase "common law of Parliament," but it would have been less ambiguous and more practical to have left the definition to the old statute.

Under 17 & 18 Vict. c. 102 (not repealed by the present Act) the candidate found guilty by himself or his agents of corrupt practices is incapacitated from sitting during the then Parliament for that particular constituency. Each of these offences, whether committed by a candidate or any other person, is also a misdemeanour, and certain penalties are recoverable by any person who chooses to sue. There is also the "dead letter" as to Attorney-Generals' prosecutions, which we noticed above.

The present Act leaves these provisions still in force, but it also inflicts on the candidate by whom or with whose knowledge and consent corrupt practices have been committed, the severe penalty of seven years' incapacity to sit in Parliament, to vote at any election, or hold any office under 5 & 6 Will. 4, c. 76, or 3 & 4 Vict. c. 108, or any judicial or municipal office, or to act as a justice of the peace; and the same penalty is inflicted on guilty persons other than the candidate. Moreover, if any candidate is proved to have employed as canvasser or agent any person found guilty within the last seven years of corrupt practices, the election of such candidate is *ipso facto* rendered invalid.

Considering the manner in which the bill was cut about in its passage through the Legislature, it is perhaps a wonder that this Act should be as intelligible as it proves. There are, however, many clumsinesses and several doubts: one or two we have noticed above. In effect the new judges will probably settle these doubts by their rules, and, whatever their interpretation of the Act may be, it will probably be accepted in practice as the correct one. As to its probable effect—the election inquiries will be much better and more unshrinkingly conducted than before, which is a great thing. Its shortcomings are these: firstly, it still leaves the initiation of the inquiry to the old system of "chance-petitions," under which not one in twenty of the corruptly-influenced elections is ever petitioned against, and the more stringent and impartial the enquiry, the fewer will be the cases in which it is set in motion. Secondly, the Act makes no further provision whatever for ensuring the prosecution of convicted offenders.

Cap. CXXIX.—An Act to amend the law relating to the registration of ships in British possessions.

The effect of this short Act is to empower the governor of any colony, with the approval of Secretary of State, to make regulations authorizing the granting of terminable certificates of registration, for any period not less than six months, to ships of not less than sixty tons burden, instead of the ordinary certificate now granted under the Merchant Shipping Act. Certificates granted under this Act will, during their currency, confer the same privileges as an ordinary certificate.

#### THE LAWYER CANDIDATES.

The following is a list, so far as we have been able to complete it, of the legal candidates who, up to the present date, have come forward to contest constituencies in England and Ireland. Among members of the bar the

practising barristers are distinguished by an asterisk. In addition to the above list, there are a few other gentlemen who, we understand, propose offering themselves, but whose names we are scarcely at liberty to include, their candidature having not yet been publicly announced:—

|                         |                                  |
|-------------------------|----------------------------------|
| Abingdon .....          | *Godfrey Lushington.             |
| Aylesbury .....         | *F. Calvert, Q.C.                |
| Bedford .....           | *E. L. O'Malley.                 |
| Beaumaris .....         | *M. Lloyd.                       |
| Berkshire .....         | John Walter.                     |
| Bodmin .....            | Hon. F. L. Gower.                |
| Bridport .....          | *A. Goldsmid.                    |
| Bury St. Edmunds .....  | Joseph A. Hardcastle.            |
| Cambridge .....         | *F. S. Powell.                   |
| " .....                 | *J. E. Gorst.                    |
| " .....                 | W. Fowler.                       |
| " University .....      | Right Hon. S. H. Walpole.        |
| Canterbury .....        | *J. W. Huddleston, Q.C.          |
| Cardiff .....           | *Hardinge Giffard, Q.C.          |
| Chelsea .....           | W. H. Russell.                   |
| Cheltenham .....        | H. B. Samuelson.                 |
| Chester .....           | H. C. Raikes.                    |
| Cheshire, East .....    | E. G. Salisbury.                 |
| Chippenham .....        | E. C. Egerton.                   |
| Christchurch .....      | *Sir G. Young, Bart.             |
| Cirencester .....       | E. H. Burke.                     |
| Clitheroe .....         | *F. A. Inderwick.                |
| Colchester .....        | *C. S. Roundell.                 |
| Cornwall, East .....    | *E. K. Karslake, Q.C.            |
| Coventry .....          | Sir J. S. Trelawny.              |
| " .....                 | *H. M. Jackson.                  |
| Derby .....             | *A. S. Hill, Q.C.                |
| Derbyshire, East .....  | *W. Williams.                    |
| Devonport .....         | *W. Overend, Q.C.                |
| Devon, East .....       | *M. Chambers, Q.C.               |
| " North .....           | *J. D. Lewis.                    |
| Dewsbury .....          | C. J. Wade.                      |
| Dover .....             | Sir Stafford H. Northcote, Bart. |
| Dudley .....            | *Serjeant Simon.                 |
| Exeter .....            | G. Jessel, Q.C.                  |
| " .....                 | H. B. Sheridan.                  |
| Finsbury .....          | *J. D. Coleridge, Q.C.           |
| Frome .....             | *Sir J. B. Karslake, Q.C.        |
| Gloucester .....        | Arthur Mills.                    |
| Guildford .....         | J. McCullagh Torrens.            |
| Hackney .....           | *P. F. O'Malley, Q.C.            |
| Halifax .....           | *Thomas Hughes.                  |
| Hants, North .....      | C. J. Monk.                      |
| " South .....           | *R. Garth, Q.C.                  |
| Hereford .....          | C. L. Webb.                      |
| Horsham .....           | J. Stansfeld.                    |
| Ipswich .....           | G. Sclater-Booth.                |
| " .....                 | *C. Milward, Q.C.                |
| King's Lynn .....       | R. Baggallay, Q.C., S.G.         |
| Lambeth .....           | *R. H. Hurst.                    |
| Lancashire, S. W. ....  | H. E. Adair.                     |
| Launceston .....        | *Henry W. West, Q.C.             |
| Leeds .....             | Hon. R. Bourke.                  |
| Leominster .....        | *M. Howard.                      |
| London University ..... | *R. D. M. Littler.               |
| Manchester .....        | R. Assheton Cross.               |
| Marylebone .....        | *Henry C. Lopes.                 |
| Montgomery .....        | W. St. J. Wheelhouse.            |
| Montgomeryshire .....   | R. Arkwright.                    |
| Newark .....            | *T. Spinks, Q.C., D.C.L.         |
| Newcastle-on-Tyne ..... | *John R. Quain, Q.C.             |
| Norfolk, North .....    | *Ernest Jones.                   |
| " South .....           | *Thomas Chambers, Q.C.           |
| Northampton .....       | J. F. Stanford.                  |
| Nottingham .....        | Hon. C. D. R. H. Tracy.          |
| Oldham .....            | C. W. W. Wynn.                   |
| Oxford .....            | E. Denison.                      |
| " .....                 | Right Hon. T. E. Headlam, Q.C.   |
| " University .....      | R. Gordon.                       |
| Petersfield .....       | E. R. Wodehouse.                 |
| Plymouth .....          | E. Howes.                        |
| Portsmouth .....        | Right Hon. G. W. Hunt.           |
| " .....                 | *A. G. Marten.                   |
| " .....                 | *Serjeant Spinks.                |
| " .....                 | J. M. Cobbett.                   |
| " .....                 | Right Hon. E. Cardwell.          |
| " .....                 | *W. V. Harcourt, Q.C.            |
| " .....                 | *J. P. Deane, Q.C.               |
| " .....                 | Right Hon. G. Hardy.             |
| " .....                 | Right Hon. J. R. Mowbray.        |
| " .....                 | *Sir R. Palmer, Q.C.             |
| " .....                 | W. Nicholson.                    |
| " .....                 | *Sir R. P. Collier, Q.C.         |
| " .....                 | Serjeant Gascelle.               |

|                           |                                 |
|---------------------------|---------------------------------|
| Reading .....             | Sir F. H. Goldsmid, Bart., Q.C. |
| Richmond .....            | Shaw Lefevre.                   |
| Rochester .....           | *Sir R. Palmer, Q.C.            |
| Salford .....             | *Serjeant Kinglake.             |
| Salisbury .....           | *W. T. Charley.                 |
| Sandwich .....            | M. H. Marsh.                    |
| Sheffield .....           | E. K. Huggess, Bart.            |
| Shoreham .....            | Henry Worms.                    |
| Somerset, East .....      | J. A. Roebuck, Q.C.             |
| Southampton .....         | *E. P. Price, Q.C.              |
| Southwark .....           | Right Hon. S. Cave.             |
| Stafford .....            | R. Bright.                      |
| Staffordshire, East ..... | Right Hon. R. Gurney, Q.C.      |
| St. Ives .....            | *John Locke, Q.C.               |
| Stockport .....           | R. C. Chawner.                  |
| Stroud .....              | J. Hartley.                     |
| Surrey, East .....        | Henry Paull.                    |
| " Mid .....               | *W. Ambrose.                    |
| " .....                   | H. S. P. Winterbotham.          |
| Sussex, East .....        | W. Hardman.                     |
| Taunton .....             | Hon. W. Brodrick.               |
| Tiverton .....            | Julian Goldsmid.                |
| Tower Hamlets .....       | C. H. Roberts.                  |
| Tynemouth .....           | J. G. Dodson.                   |
| Wednesbury .....          | *Henry James.                   |
| Weymouth .....            | *Serjeant Cox.                  |
| Wilts, North .....        | *Hon. G. Denman, Q.C.           |
| Woodstock .....           | *A. S. Ayrton.                  |
| Worcester, East .....     | *Edmund Beales.                 |
| York .....                | E. T. Smith.                    |
| " .....                   | *E. Kenaly, Q.C., LL.D.         |
| " .....                   | *J. J. Powell, Q.C.             |
| " .....                   | *J. T. Schomberg, Q.C.          |
| " .....                   | Hon. G. C. Brodrick.            |
| " .....                   | *R. P. Amphlett, Q.C.           |
| " .....                   | J. Lowther.                     |

## IRELAND.

|                       |                                   |
|-----------------------|-----------------------------------|
| Clare County .....    | Sir C. M. O'Loughlin, Bart., Q.C. |
| Cork County .....     | Vincent Scully, Q.C.              |
| " .....               | J. F. Maguire.                    |
| Drogheda .....        | F. Brodigan (English Bar).        |
| Dublin .....          | Hon. David Plunket.               |
| " University .....    | *T. A. Purcell, Q.C.              |
| " .....               | *J. T. Ball, Q.C., LL.D., S.G.    |
| " .....               | Sir E. Grogan, Bart.              |
| Dundalk .....         | *Charles Russell (English Bar).   |
| " .....               | Sir G. Bowyer, Bt. (English Bar). |
| Dungarvan .....       | *Hy. Mathews, Q.C. (English Bar). |
| " .....               | *Serjeant Barry.                  |
| Kildare .....         | Right Hon. P. O. Cogan.           |
| Kilkenny County ..... | Sir J. Gray.                      |
| King's County .....   | Sir P. O'Brien, Bart.             |
| " .....               | D. Sherlock, Q.C.                 |
| Limerick County ..... | E. J. Synan.                      |
| Londonderry .....     | *R. Dowse, Q.C.                   |
| Mallow .....          | *Serjeant Sullivan.               |
| Portarlington .....   | *Right Hon. J. A. Lawson, Q.C.    |
| Wexford .....         | W. R. S. Motte (English Bar).     |
| Youghall .....        | Sir J. N. McKenna.                |

## SOLICITORS.

|                    |                   |
|--------------------|-------------------|
| Chippenham .....   | G. Goldney.       |
| Coventry .....     | S. Carter.        |
| Dover .....        | C. K. Freshfield. |
| Newark .....       | G. Hodgkinson.    |
| Norwich .....      | J. H. Tillett.    |
| Nottingham .....   | J. J. Merriman.   |
| Stockton .....     | Joseph Dodds.     |
| Sussex, East ..... | G. B. Gregory.    |

## IRELAND.

|                   |            |
|-------------------|------------|
| Enniskillen ..... | J. Collum. |
|-------------------|------------|

**TURNPIKE ABOLITION.**—An Act of last Session provides for the expiry on Sunday next, the 1st of November, of seven provincial trusts. The most important removals will be at Hereford, Bury St. Edmund's, and Devizes. The Devizes gates surrounded the town, and the "freedom of the road" is to be celebrated by a banquet and a bonfire, for which latter object two of the obnoxious gates were purchased at the sale of the trust property.—*Times*.

**THE YELVERTON CASE.**—EDINBURGH, Thursday.—The case of Mrs. Yelverton came again before the Court of Session in Edinburgh on Thursday morning. Mrs. Yelverton applied to have the former judgments of the court and of the House of Lords set aside, on the grounds that the Scotch court had no jurisdiction to try cases in which the parties were not resident in Scotland forty days before citation. The court dismissed the action, on the ground that it had no jurisdiction.—*Express*.

## RECENT DECISIONS.

## EQUITY.

## APPOINTMENT OF RECEIVER UNDER INSPECTORSHIP DEED.

*Riches v. Owen, L.J., 16 W. R. 1072.*

Can the Court of Bankruptcy appoint a receiver? We think it can. By the Bankruptcy Act, 1861, s. 1 it is enacted that the Court of Bankruptcy shall have and exercise, for the purposes of the Act, all the powers of the superior courts of law and equity. As the Court of Chancery appoints receivers in exercise of its original jurisdiction, the Court of Bankruptcy must now be able to do the same. Still it must be seldom that cases occur in which it is desirable or necessary to appoint a receiver for the purposes of the Act, and, in fact, we believe that the power, if possessed by the Court, has never been exercised. The only question, then, of interest with reference to this presumed power, arises from the unwillingness of courts of concurrent jurisdiction to interfere with each other, and thus give cause for multiplicity of suits. It may therefore be presumed that if the Court of Bankruptcy possessed this power, or, possessing this power, did not suffer it to lie dormant, the Court of Chancery would be slow to interfere to appoint a receiver of estates or effects subject to the control of the Court of Bankruptcy in aid of the jurisdiction of the latter court. The suit of *Riches v. Owen* was instituted by the inspectors of an inspectorship deed, executed by the defendant, and the object of it was the appointment of a receiver of the estate which was subject to the provisions of the deed. Deeds of this kind are placed exclusively under the jurisdiction of the Court of Bankruptcy by the operation of sections 192—200 of the Bankruptcy Act, 1861; *Ex parte Morgan*, 11 W. R. 316, 1 D. J. S. 288. Their effect is to bring the property of the debtor under the control of the Court, its functions being for that purpose delegated to the inspectors, who form a sort of domestic tribunal for the administration of the debtor's estate. The property being thus wholly within the control of the inspectors, what is there left for the receiver of the Court of Chancery to administer?

The Lords Justices left open the question as to the power of the Court of Bankruptcy to appoint a receiver. The Vice-Chancellor Giffard had appointed a receiver of the property (16 W. R. 963), on the ground that the Court had jurisdiction to preserve property when in danger of being wasted, apart from any question of the power of the Court to administer it. The Lords Justices took the same view, and refused the appeal motion. The debtor had executed an inspectorship deed which contained the usual covenants, and the inspectors found that he was dealing with the property in a manner inconsistent with those covenants, and on the ground of this breach of the covenants, as well of the irreparable loss that might be sustained by the creditors, the Court was induced to interfere, the plaintiffs undertaking to submit to any order of the Court in reference to the transfer of the funds to the Court of Bankruptcy. The Court thus disclaimed any intention of interfering with the prerogative of the Court of Bankruptcy, by administering the trusts of the inspectorship deed, and simply exercised its ordinary jurisdiction to preserve property when in danger of dissipation pending litigation or administration, where the court in which the property is in dispute is unable or unwilling to interfere.

## COMMON LAW.

## MEASURE OF DAMAGES.

*The British Columbia &c. Saw Mills Company v. Nettleship, C.P., 16 W. R. 1046.*

*Hadly v. Bawendale* (2 W. R. 302) is the leading case on the difficult subject of measure of damages on a breach of contract. The rule there laid down is that a

plaintiff in an action for a breach of contract can only recover such damages as might have been fairly and reasonably contemplated by both parties at the time of making the contract as the natural result of a breach of it. This rule has often been discussed since it was thus laid down, and has been frequently explained and commented on—but its authority remains undisputed. The difficulty being, as is so often the case, not in finding but in applying the rule.

In *The British &c. Co. v. Nettleship* the action was for non-delivery of certain machinery in Vancouver's Island which had been shipped from Glasgow for that destination by the plaintiffs in a ship of the defendant's. The plaintiffs loaded the whole ship with machinery, with the intention of erecting steam saw mills in Vancouver's Island. The portion that was lost was necessary to the working of the rest, and the mills, therefore, could not be erected until the lost machinery was replaced. In order to do this it was necessary to send to England, as such machinery could not be procured in Vancouver's Island. This caused a delay of eleven months, and the plaintiffs claimed, in addition to the value of the lost machinery, damages for the loss of the profits which they would have made if they could have at once erected their mills when the defendant's vessel arrived. It was proved that the defendant knew generally that the plaintiffs' goods consisted of machinery with which they proposed to build mills in Vancouver's Island. He did not know anything in particular about the box which was lost. The plaintiffs contended, on these facts, that on the authority of *Hadly v. Bawendale*, as the defendant knew the object for which the machinery was shipped, he must be taken to have known at the time of shipment that a delay in the carriage or a loss of the goods would delay the erection of the mills, and so would cause the plaintiffs to lose profits which they would otherwise have made.

The Court held that the plaintiffs were only entitled to the value of the machinery lost, and to interest on such value until its payment. The whole question of measure of damages is very fully discussed in the judgments which were delivered, and that of Willes, J., is especially worth reading. The case also decided that where evidence is given of delivery of goods to the agents of a shipowner, on a quay alongside his ship, this is sufficient to justify the jury in finding that the goods were actually delivered on board such ship.

## GENERAL CORRESPONDENCE.

Sir,—In reply to "An Articled Clerk's" enquiry in today's paper for the best books to study preparatory to his final examination, I should recommend—for common law, Chitty or Addison on Contracts, and Chitty's, Archbold's, or Lush's Practice; for Equity, Smith's Manual of Equity Jurisprudence, and Smith's or Daniel's Chancery Practice; for Conveyancing, Williams on Real Property. If he carefully studies these I think he will find no difficulty in passing. Your correspondent would do well also to answer the questions in bankruptcy and criminal law, as he will find a knowledge of those branches of the profession of great service in practice. If he makes himself acquainted with the unrepealed portion of the Bankrupt Law Consolidation Act, 1849, the Bankruptcy Act, 1861, and the Bankruptcy Amendment Act, 1868, and in Criminal Law with Archbold's Pleading and Evidence in Criminal Cases, and Oke's Magisterial Synopsis, he will find no difficulty in answering questions on those subjects.

Oct. 24, 1868.

A CITY SOLICITOR.

SERJEANTS'-INN.—The ancient State Hall of Serjeants'-inn, Chancery-lane, has, under the auspices of the present treasurer, Mr. Serjeant Bain, been superbly re-decorated and thoroughly renovated, prior to the banquet of the judges and serjeants there, according to custom, on Monday next, the first day of term. On this occasion no less than four new serjeants will join the fraternity—viz., Mr. Justice Brett, Mr. Baron Cleasby, Mr. Serjeant Sleight, and Mr. Serjeant Sargood.—*Express*.



### APPOINTMENTS.

Mr. G. H. HULL, solicitor, of Godalming, was last Monday elected to the office of coroner for the western division of the county of Surrey, vacant by the death of Mr. C. J. Woods. The appointment was contested by Mr. P. Woods, son of the late coroner, who had previously acted as his father's deputy. Mr. Hull, however, was elected by a majority of upwards of 600, the number of freeholders who polled being not quite 2,000. The poll was held in the Town Hall, Guildford.

Mr. W. J. BRUTY (of the firm of Duffield & Bruty, 6, Tokenhouse-yard, London, and Chelmsford, Essex), has been appointed Registrar of the Waltham Abbey County Court, in the place of the late Mr. Siddall.

Mr. GEORGE ARMITAGE, solicitor, has been appointed Clerk to the Bench of Magistrates for the newly created borough of Dewsbury.

Mr. JAMES JOHN WINTER, solicitor, of Norwich, has been elected Clerk and Treasurer to the Commissioners of Carrow Bridge, in that city, on the resignation of his father, Mr. James Winter, who has held the office for the last forty-four years.

Mr. HENRY BARKER, of Huddersfield, has been appointed a Commissioner to administer oaths in Chancery.

Mr. GEORGE DYSON, of Huddersfield, has been appointed a Commissioner to administer oaths in Chancery.

### IRELAND.

#### DUBLIN.

##### SOUTHERN DIVISIONAL COURT.

(Before Mr. BARTON.)

*Attorneys' and Solicitors' (Ireland) Act, 29 & 30 Vict. c. 84, ss. 3, 36, 37—Attorneys' certificates.*

Oct. 22.—The presiding magistrate intimated that he was prepared to hear any argument *pro* or *con*. the decision he had made on that day week, to the effect that no attorney or solicitor should be permitted to practice in the courts, unless those duly certificated according to the Act regulating the practising of attorneys and solicitors in Ireland.

Mr. Macrory said he attended, with Mr. Findlater, as a deputation from the Incorporated Law Society, the matter having been brought under the notice of the meeting of the council of the Law Society the previous day.

Mr. BARTON said he had been asked on Thursday last to make no order on the matter until the parties interested had received due notice, and he hoped they were prepared to argue the case. The 36th section of 29 & 30 Vict. c. 84, provided that the attorneys had only to apply to the judges of the superior courts, who had the jurisdiction to give the necessary certificate on equitable terms, to be prescribed by the judges, and therefore he would be stepping out of his latitude to suspend his decision until the end of the year, as he had been requested to do. If the attorney neglected to secure his certificate at the proper time—the 6th of February in each year—he could have it afterwards by applying to the judges, who always sat for the purpose of granting certificates. Before removing to the new courts the practice had prevailed that any gentleman was entitled to practice as an attorney, contrary to the Act of Parliament, which in plain terms interdicted any practice in any court in Ireland, except the court in which he (Mr. Barton) sat, by any person unless duly certificated under that Act. The section of the Act also provided that no person, unless duly certificated, could recover any fees or costs that might have been incurred by him in any of the courts, and the section authorised a prosecution by the Incorporated Law Society against any person practising without a license, and the recovery of a penalty of £50 for every case sustained by the attorney under the circumstances. Frequent complaints had been made to him with regard to the practising of unlicensed attorneys, and in no case had he acquiesced with any irregularity that had occurred in connection with the practice. He could not in every case ask every attorney who rose to defend an accused person whether he was duly licensed. The matter had first been brought under his notice by the fact of an application having been made by a person who he had believed was duly licensed, requesting an order to be permitted to visit a prisoner for whom

he was employed. The applicant had candidly confessed that he was not an attorney according to the law, and he (Mr. Barton) thought proper to grant no order. As they had now entered the new courts, and were approaching the new term, he thought this would be the most suitable time to take proceedings in the matter.

Mr. Harrison, solicitor, submitted that the 3rd section of the Act did not refer to an attorney that had been admitted and duly licensed at the proper time of the year. There was no mention throughout the entire statute of certificates or licences. The 37th section was the only clear one, and it merely said that any attorney practising without the proper licence was deprived of the right of recovering costs.

Mr. BARTON.—Under the old Act of Geo. III. the usual certificate was necessary.

Mr. Macrory said it was still necessary. The new Act had given power to the Incorporated Law Society to grant a certificate, and to maintain the former system.

Mr. Harrison said he thought the "five-shilling" certificate was not necessary. Any person could go to the Stamp Office and take out a licence by going through the formality of filling up the necessary form.

Mr. Macrory said that such was not the case. Mr. Harrison could not show any instance of where it had occurred.

Mr. Findlater.—The object of the new Act was to raise the profession to a proper standard.

Mr. Macrory said that in order to procure a licence it was necessary that the applicant's name should have been previously on the roll.

Mr. Harrison said he knew that certificates had been granted without any reference to the roll whatever.

Mr. Findlater.—Mr. Harrison is slightly in error; such practice would be at variance with the officer's duty.

Mr. Macrory said his worship was now asked to continue what had been stated as a fraud on the Stamp Office.

Mr. Harrison said he merely mentioned this as his experience of the matter after twenty years' practice.

Mr. BARTON said the 3rd section applied equally to attorneys who had been admitted previous to the passing of it as well as to those admitted subsequently, and, entertaining this opinion, he could not after that day recognise any attorney in that Court who was not duly certificated.

### SOCIETIES AND INSTITUTIONS.

#### THE SOLICITORS' BENEVOLENT ASSOCIATION.

The twenty-first half-yearly general meeting of the members and friends of the Solicitors' Benevolent Association was held at the Town Hall, Brighton, on Saturday, October 24. The meeting was convened to receive from the Board of Directors the report and statement of accounts for the half year, to elect a trustee, to appoint auditors and directors for the ensuing year, and for the transaction of other business. There was but a limited attendance. Mr. E. Banner, of Liverpool, deputy chairman of the board of directors, was voted to the chair.

The Secretary (Mr. Thos. Eiffe) having read the notice convening the meeting, and also the minutes of the last meeting, the following report was submitted and taken as read:—

"The annual meeting of this association was intended to have been held this year at Exeter, in connection with that of the Metropolitan and Provincial Law Association, but on learning that the latter meeting would not take place, the directors decided to hold the meeting of this association at Brighton.

"Since the report issued in April last 85 new members have joined the association, making with the addition in the previous six months an increase during the whole year of 165. The association now consists of 1,927 members, 688 being life and 1,239 annual. 24 of the life members are also annual subscribers.

"The usual audited abstract of the accounts is appended, from which it will be seen that the receipts during the half-year, exclusive of the balance of £246 6s. 6d. from the previous account, amount to £1,676 16s. 10d., which, together with those of the previous six months, give a total of £2,849 0s. 1d. as the receipts for the year.

"The annual festival in June last was kindly presided over by Mr. Justice Hannen, in the absence of the Lord Chan-

cellor, and produced the substantial addition of £670 to the funds of the society. The contributions included donations from the Lord Chancellor and several of the judges and members of the bar.

"The members of the Lincolnshire Law Society having recently decided to dissolve their society, passed a resolution to present the balance of their funds, amounting to nearly £1,000, to this association, on condition that all their existing members should be admitted life members of this association. The Board had no hesitation in at once accepting this munificent offer, and have elected as life members 32 gentlemen in respect of whose subscriptions a sum of three hundred and twenty guineas has been already received. A further sum of thirty guineas has been paid as donations in the names of three of their members, who were already life members of this association by their own payments, making in all the sum of three hundred and fifty guineas received on account of the promised funds.

"A donation of £50 has been received from the executors of the late Felix Slade, Esq., of London, and another of £54 14s. 11d. from the executors of the late R. G. Marner, Esq., of London, from funds entrusted to the executors of those testators for charitable purposes; in connection with which and future donations of a similar nature the directors have under consideration the expediency of inserting in the rules some provisions empowering the Board to confer honorary life memberships upon the executors of benefactors of the society, in cases where, under the rules, they may be admissible.

"The directors have also received an intimation of a gift of £50 from their late chairman, Mr. James Anderton, and of a legacy of the same amount left by the late Mr. E. A. Bromhead, of Lincoln, who was a former provincial member of the board.

"A sum of £115 has been expended in five grants to members and widows of members, and a sum of £140 has been distributed amongst 17 necessitous families of deceased non-members. These amounts, added to the grants made during the previous six months, give a total sum of £475 distributed in relief during the year.

"Since the last meeting the sum of £700 has been invested in the purchase of India Four per Cents., making the present funded capital consist of £7,803 17s. 8d. Indian Five per Cents., £5,071 6s. 4d. Three per Cent Consols, and £1,257 3s. 2d. India Four per Cents., producing together dividends amounting to £578 per annum.

"A balance of £603 8s. 4d. stands to the credit of the association at the Union Bank of London, and a sum of £15 is in the secretary's hands.

"The decease of the late chairman, Mr. Anderton, has caused a vacancy in the office of one of the trustees of the association, which will have to be filled up at this general meeting.

"The retirement of one of their colleagues (Mr. William Wilding, of Montgomery), occasioned a vacancy at the board, which the directors have filled by the election of Mr. William Hunt, of Nottingham.

"In compliance with the rules, the auditors and directors retire from office at this meeting, but are eligible and willing to continue their services if re-elected.

"The directors renew their appeal to those solicitors who have not yet joined the association, to accord to it their support. It has been more than once commented on by the judges who have presided at the anniversary festivals, as a reproach to the profession that out of so large a number of professional men scarcely one-fifth are to be found enrolled as supporters of an institution which is entitled to the sympathy and support of the entire profession.

"(Signed on behalf of the Board).

"THOMAS HARRISON, Chairman.

"8th October 1868."

The CHAIRMAN moved "That the report and statement of accounts just read be received and adopted, and that the same be printed and circulated with the proceedings of this day." He regretted that the chairman of the board of directors, Mr. Thomas Harrison, was not present to take the chair. As this was the first half-yearly provincial meeting since the death of their late friend and chairman, Mr. Anderton, they would allow him to express the very deep regret felt at his decease. They ought to cherish his memory with gratitude, inasmuch as he was the originator of the association, and up to the time of his death he continued to give his warmest exertions to promote the objects

for which it was formed. It had been intended to hold the autumnal meeting of the association at Exeter, but that idea having been abandoned for the cause stated in the report, it was considered that Brighton would be the most central place for the present gathering. It was thought that holding the meeting here would be the means of extending the influence of the association in this quarter; and for this purpose they looked for the assistance of their friends in Brighton and the neighbourhood.

The proposition was carried unanimously.

Mr. R. A. PAYNE (of Liverpool) moved "That this meeting is gratified at the satisfactory progress of the society, and earnestly commends the society to the support of every solicitor in England and Wales." He had not come from Liverpool expressly to interest himself in this society, but being at Eastbourne, he felt it his duty to attend the present meeting. He was pleased to say that he had been connected with the society since its formation in 1858. He felt proud that it was originated in Liverpool, and under the auspices of a lamented friend. He (the speaker) had from time to time obtained subscriptions to it, and he had secured a good many new subscribers. He suggested that a little more pressure should be put on the provinces. He did not know what had been done during the last year in the provinces, but he thought that if their secretary would take twelve of the leading towns in the kingdom, get a list of the attorneys residing there, and, striking out all the members of the society, send it to one of them, much good might thereby be done. By this subdivision of labour he thought they might gain new members and place their funds in a better state than they are at the present time. The society had been objected to because they did not spend all their money, but hoarded it up. Being a young society they were bound to capitalise their funds; they must be cautious how they parted with their money for the present. Still, he believed that in all genuine cases that had come before them relief, and generous relief, had been afforded. Only last month he took a canvass amongst his local friends and obtained several new subscribers, whose subscriptions, amounting to £33 12s. he now had the pleasure to hand in.

Mr. H. KIMBER (of London) seconded. As an Auditor of the society he could speak from his own knowledge as to its position and advantages. He could recommend it to his professional brethren. Although it was only yet in its infancy, and they felt the necessity of being cautious how they spent their money, they were yet able to devote about £500 or £600 a year to the purposes of relief. No case came before the council which was not fully investigated, and there had been no deserving case which had not been relieved. He complimented the secretary on the excellent manner in which the accounts of the society were kept, and congratulated the members on the very economical way in which the business was conducted. He never found a single mistake in the secretary's books; he was paid a very moderate sum, but his duties, nevertheless, were thoroughly performed. There was one matter especially which he (the speaker) wished to bring before the notice of the meeting. He thought the society might accomplish something like what was done by the medical profession. They had established a college at Epsom, on a widely developed scheme, in which the children of the members of the medical profession were educated under very liberal principles and yet on a very economical scale. He believed that the subject had met with the attention of the council of this society, although they had not made any proposition respecting it. Perhaps the funds of the society would not allow them to do anything at the present time; but he thought something might be done as a separate scheme, and yet under the auspices of this society. He was prepared to be one of ten to place down one hundred guineas to commence a fund to carry out such a project. The sooner they began the better. He had no doubt that the secretary with his usual earnestness would be able to find others willing to do as he had offered. (Hear, hear.)

The proposition was carried unanimously.

Mr. SIDNEY SMITH (of London) moved "That Mr. Thomas Harrison, of London, be elected a trustee of this association in the room of the late Mr. James Anderton, of London, deceased."

Mr. MONCKTON (of London), in seconding, urged members to exert themselves on behalf of the society. He was strongly in favour of the project of Mr. Kimber, and believed that at some future time it would be carried out.

The proposition was carried.

Mr. FRANCIS (of Cambridge) moved "That the thanks of this meeting be and are hereby presented to the auditors and directors for their services during the past year."

Mr. UPPERTON, jun., in seconding, regretted that there was so small an attendance of Brighton solicitors.

Carried.

Mr. KIMBER moved the appointment of a board of directors for the ensuing year. The list was the same as that for the past year, with the exception of the name of Mr. Hunt, of Nottingham, being substituted for that of Mr. Wilding, of Montgomery.

Mr. SHAPLAND seconded.

Carried.

Mr. MONCKTON moved "that Mr. Stephen Williams, of Bedford-row, London, and Mr. Henry Kimber, of Gresham House, London, be re-elected auditors of the accounts for the ensuing year."

Mr. S. SMITH seconded.

Carried.

On the motion of Mr. Upperton, jun., a cordial vote of thanks was unanimously passed to Mr. Banner for presiding over the present meeting.

The CHAIRMAN, in responding, spoke in high terms of the attention and ability of the secretary, and said that the present satisfactory position of the society must in a great measure be attributed to his exertions. He quite agreed with the remarks of Mr. Kimber as to the desirability of having a college of the kind suggested. He should be glad to assist in carrying out the project, and was willing to be one of the ten to contribute one hundred guineas towards a fund for this purpose.

The meeting then ended.

#### LAW STUDENTS' DEBATING SOCIETY.

The first meeting of this society after the vacation was held at the Law Institution, on Tuesday evening last. The question for discussion was, "Should the distinction between barristers and attorneys be abolished?" which was opened by Mr. Kenrick in the negative, but decided by the society in the affirmative by a majority of two. The number of members present was thirty-two.

#### OBITUARY.

##### LORD CURRIEHILL.

Mr. John Marshall, better known by his courtesy title of Lord Curriehill, who quite recently retired from the Scottish Bench after sixteen years' service as a Lord of Session, died at Curriehill, his seat in Midlothian, on the 27th October. His Lordship, who was born in 1794, was the son of Mr. John Marshall, of Garliestown, Wigtownshire. He was educated at the University of Edinburgh, and was admitted a member of the Faculty of Advocates in November, 1818. In March, 1852, he was elected Dean of the Faculty, and in November of the same year was raised to the bench as a judge of the Scotch Court of Session, when he assumed the title of Lord Curriehill. He was also a Commissioner of Supply, a Justice of the Peace for Edinburgh, and a member of the Judicial and Legislative Societies of that city. Owing to failing health he had recently resigned his judgeship, in which he was succeeded by Mr. George Dundas, the Sheriff of Selkirkshire. The deceased judge married, in 1826, the second daughter of the Rev. Andrew Bell, of Kilduncan, minister of Crail, Fifeshire.

##### Mr. C. EVANS.

This gentleman, whose death at Norwich we announced in our last issue, was the eldest son of the late Rev. Benjamin Evans, formerly a fellow of Pembroke College, Cambridge, and for many years assistant-master of Harrow School. Mr. Evans himself was for a short time at Eton, and afterwards studied at Pembroke College, where he took his degree of B.A. in 1819, as twelfth wrangler. He afterwards became a fellow of his college, and was soon afterwards (February, 1823) called to the bar at Lincoln's-inn. He joined the Norfolk Circuit about the year 1824, and settled in Norwich, where he continued to practise ever since. In 1845 he was appointed by the late Bishop Stanley (father of Dr. Stanley, the present Dean of Westminster), to the chancellorship of the diocese of Norwich. Besides the chancellorship he held numerous local appointments at Norwich, having been Commissary for the Dean and Chapter of the diocese, Acting Judge of the Borough Court of Record, Chairman of the

Board of Guardians (to which office he was unanimously chosen on the passing of the new Poor Relief Act in 1865), President of the Directors of the Norwich Union Fire Office, being likewise connected with numerous benevolent institutions in Norwich. He was also revising barrister and election auditor. In 1829 he married Emily, daughter of George Morse, Esq., of Calton, by whom he leaves five sons and three daughters.

##### Mr. W. O. HARE.

We have to announce the death of Mr. William Ody Hare, solicitor, and Clerk of the Peace for Bristol, who expired on the 17th October, at his residence, Berkeley-square, in that city, at the advanced age of eighty-two years. Mr. Hare was certificated as an attorney as far back as Michaelmas Term, 1811, and for a long period filled the offices of Clerk of the Peace and Undersheriff of Bristol. The deceased gentleman was of French extraction, the original name of his family being Lièvre, which his father anglicised into Hare, and he always possessed a good deal of the courtesy and polish of manner, for which our Gallic neighbours receive credit. We learn from the *Bristol Times* that the Office of Clerk of the Peace, rendered vacant by Mr. Hare's death, will in all probability be conferred by the Town Council, at their next meeting, on his partner, Mr. James D. Wadham, who has filled the post of Deputy Clerk for several years. The office will in future be worth £200 a year less than it was to Mr. Hare, who was compensated to that extent for the loss which was incurred by him on the transfer of much of the business of quarter sessions to the police court. The late Mr. Hare was a member of the Metropolitan and Provincial Law Association and of the Solicitors' Benevolent Association; he was also a commissioner to administer oaths and for taking affidavits. His remains were interred in the Amos Vale Cemetery, near Bristol, on the 23rd October. He was the oldest solicitor in Bristol, with the exception of Mr. Grindon, the late coroner, who was admitted in 1809.

##### Mr. THOS. WM. HENRY HALLAM.

This gentleman, a partner in the firm of Dix & Hallam, of Bristol, died last week, from the rupture of a blood-vessel in the chest, at the early age of thirty.

The Lord Chancellor has appointed the 16th of November to hear the case *Martin v. Mackonochie* (the St. Alban's case) before the Judicial Committee of the Privy Council, on appeal from the judgment of the Arches Court.

The Right Hon. and most Rev. Charles Thomas Longley, D.D., Archbishop of Canterbury, and Primate of all England, whose death was announced this week, was the fifth son of the late John Longley, Esq., Recorder of Rochester, in Kent, and subsequently Resident Magistrate at the Thames Police Office in London.

MR. GLADSTONE ON MARRIED WOMEN'S PROPERTY AND THE FEMALE FRANCHISE.—The following reply has been returned by Mr. Gladstone to some questions put to him by a lady as to his views respecting Mr. Shaw-Lefevre's Bill for the alteration of the laws relating to the property of married women, and the movement in favour of qualified women obtaining the franchise? "Hawarden, Oct. 24, 1868. Madam,—Pray be good enough to inform my constituents on whose behalf you write that I am favourable in general to an effective protection of the earnings of married women, and that I think it deserves consideration in what way property in female hands can advantageously be represented in the constituencies. Beyond these points I must ask to reserve my full discretion.—I remain, Madam, your faithful servant, W. E. GLADSTONE."

A QUESTION OF ROYAL PRIVILEGE.—It seems, or at least it is currently reported, that the ex-King of Hanover is likely to take his seat as Duke of Cumberland in the House. If he should do so a curious question may be raised by the Royal Marriage Act, 12th George III. It is provided that no descendant of the body of King George II., with certain exceptions, shall be capable of contracting matrimony without the consent of the Crown, signified under the Great Seal and declared in Council, unless such descendant persist in his resolution to contract such marriage, in which case he must give due notice beforehand to the Privy Council, and so forth. The ex-King of Hanover married Alexandra of Saxe-Altenburg in 1843. Eight sovereigns were present at the ceremony. At the time his father was King of Hanover, and it is not supposed that he, the son of an independent sovereign, obtained the consent of the Queen of England to his marriage. Suppose anything happened to the ex-King, could his son, Ernest Augustus, ex-Prince hereditary, succeed him in the peerage, or could he inherit land in England?—*Pall Mall Gazette*.



## LAW LECTURES AND LAW CLASSES

AT THE

## INCORPORATED LAW SOCIETY.

## COMMON LAW.

C. H. ANDERSON, Esq., LECTURER AND READER.

| 1868.                          | Hour.<br>P.M. | 1869.                          | Hour.<br>P.M. | 1869.                           | Hour.<br>P.M. |
|--------------------------------|---------------|--------------------------------|---------------|---------------------------------|---------------|
| Nov. 6, Friday ... Lecture ... | 6 to 7        | Jan. 1, Friday ... Lecture ... | 6 to 7        | Feb. 12, Friday ... Lecture ... | 6 to 7        |
| " 9, Monday ... Class A        |               | " 4, Monday ... Class A        |               | " 15, Monday ... Class A        |               |
| " 10, Tuesday ... " B          | 4.30          | " 5, Tuesday ... " B           | 4.30          | " 16, Tuesday ... " B           | 4.30          |
| " 11, Wednesday ... " C        | to 6          | " 6, Wednesday ... " C         | to 6          | " 17, Wednesday ... " C         | to 6          |
| " 12, Thursday... " D          |               | " 7, Thursday... " D           |               | " 18, Thursday.. " D            |               |
| " 20, Friday ... Lecture ...   | 6 to 7        | " 15, Friday ... Lecture ...   | 6 to 7        | " 26, Friday ... Lecture ...    | 6 to 7        |
| " 23, Monday ... Class A       |               | " 18, Monday ... Class A       |               | Mar. 1, Monday ... Class A      |               |
| " 24, Tuesday ... " B          | 4.30          | " 19, Tuesday ... " B          | 4.30          | " 2, Tuesday ... " B            | 4.30          |
| " 25, Wednesday ... " C        | to 6          | " 20, Wednesday ... " C        | to 6          | " 3, Wednesday ... " C          | to 6          |
| " 26, Thursday... " D          |               | " 21, Thursday... " D          |               | " 4, Thursday.. " D             |               |
| Dec. 4, Friday ... Lecture ... | 6 to 7        | " 29, Friday ... Lecture ...   | 6 to 7        | " 12, Friday ... Lecture ...    | 6 to 7        |
| " 7, Monday ... Class A        |               | Feb. 1, Monday ... Class A     |               | " 15, Monday ... Class A        |               |
| " 8, Tuesday ... " B           | 4.30          | " 2, Tuesday ... " B           | 4.30          | " 16, Tuesday ... " B           | 4.30          |
| " 9, Wednesday ... " C         | to 6          | " 3, Wednesday ... " C         | to 6          | " 17, Wednesday ... " C         | to 6          |
| " 10, Thursday... " D          |               | " 4, Thursday... " D           |               | " 18, Thursday.. " D            |               |

## CONVEYANCING.

T. LL. MURRAY BROWNE, Esq., LECTURER AND READER.

| 1868.                           | Hour.<br>P.M. | 1869.                          | Hour.<br>P.M. | 1869.                           | Hour.<br>P.M. |
|---------------------------------|---------------|--------------------------------|---------------|---------------------------------|---------------|
| Nov. 13, Friday ... Lecture ... | 6 to 7        | Jan. 8, Friday ... Lecture ... | 6 to 7        | Feb. 19, Friday ... Lecture ... | 6 to 7        |
| " 16, Monday ... Class A        |               | " 11, Monday ... Class A       |               | " 22, Monday ... Class A        |               |
| " 17, Tuesday ... " B           | 4.30          | " 12, Tuesday ... " B          | 4.30          | " 23, Tuesday ... " B           | 4.30          |
| " 18, Wednesday ... " C         | to 6          | " 13, Wednesday ... " C        | to 6          | " 24, Wednesday ... " C         | to 6          |
| " 19, Thursday... " D           |               | " 14, Thursday.. " D           |               | " 25, Thursday.. " D            |               |
| " 27, Friday ... Lecture ...    | 6 to 7        | " 22, Friday ... Lecture ...   | 6 to 7        | Mar. 5, Friday ... Lecture ...  | 6 to 7        |
| " 30, Monday ... Class A        |               | " 25, Monday ... Class A       |               | " 8, Monday ... Class A         |               |
| Dec. 1, Tuesday ... " B         | 4.30          | " 26, Tuesday ... " B          | 4.30          | " 9, Tuesday ... " B            | 4.30          |
| " 2, Wednesday ... " C          | to 6          | " 27, Wednesday ... " C        | to 6          | " 10, Wednesday ... " C         | to 6          |
| " 3, Thursday... " D            |               | " 28, Thursday... " D          |               | " 11, Thursday... " D           |               |
| " 11, Friday ... Lecture ...    | 6 to 7        | Feb. 5, Friday ... Lecture ... | 6 to 7        | " 19, Friday ... Lecture ...    | 6 to 7        |
| " 14, Monday ... Class A        |               | " 8, Monday ... Class A        |               | " 22, Monday ... Class A        |               |
| " 15, Tuesday ... " B           | 4.30          | " 9, Tuesday ... " B           | 4.30          | " 23, Tuesday ... " B           | 4.30          |
| " 16, Wednesday ... " C         | to 6          | " 10, Wednesday ... " C        | to 6          | " 24, Wednesday ... " C         | to 6          |
| " 17, Thursday... " D           |               | " 11, Thursday... " D          |               | " 25, Thursday... " D           |               |
| Christmas Vacation.             |               |                                |               | Easter Vacation.                |               |

## EQUITY.

SIR GEORGE YOUNG, BART., LECTURER AND READER.

| 1869.                           | Hour.<br>P.M. | 1869.                            | Hour.<br>P.M. | 1869.                          | Hour.<br>P.M. |
|---------------------------------|---------------|----------------------------------|---------------|--------------------------------|---------------|
| April 2, Friday ... Lecture ... | 6 to 7        | April 30, Friday ... Lecture ... | 6 to 7        | May 21, Friday ... Lecture ... | 6 to 7        |
| " 5, Monday ... Class A         |               | May 3, Monday ... Class A        |               | " 24, Monday ... Class A       |               |
| " 6, Tuesday ... " B            | 4.30          | " 4, Tuesday ... " B             | 4.30          | " 25, Tuesday ... " B          | 4.30          |
| " 7, Wednesday ... " C          | to 6          | " 5, Wednesday ... " C           | to 6          | " 26, Wednesday ... " C        | to 6          |
| " 8, Thursday... " D            |               | " 6, Thursday... " D             |               | " 27, Thursday... " D          |               |
| " 16, Friday ... Lecture ...    | 6 to 7        | " 7, Friday ... Lecture ...      | 6 to 7        | " 28, Friday ... Lecture ...   | 6 to 7        |
| " 19, Monday ... Class A        |               | " 10, Monday ... Class A         |               | " 31, Monday ... Class A       |               |
| " 20, Tuesday ... " B           | 4.30          | " 11, Tuesday ... " B            | 4.30          | June 1, Tuesday ... " B        | 4.30          |
| " 21, Wednesday ... " C         | to 6          | " 12, Wednesday ... " C          | to 6          | " 2, Wednesday ... " C         | to 6          |
| " 22, Thursday... " D           |               | " 13, Thursday... " D            |               | " 3, Thursday... " D           |               |
| " 23, Friday ... Lecture ...    | 6 to 7        | " 14, Friday ... Lecture ...     | 6 to 7        | " 4, Friday ... Lecture ...    | 6 to 7        |
| " 26, Monday ... Class A        |               | " 17, Monday ... Class A         |               | " 7, Monday ... Class A        |               |
| " 27, Tuesday ... " B           | 4.30          | " 18, Tuesday ... " B            | 4.30          | " 8, Tuesday ... " B           | 4.30          |
| " 28, Wednesday ... " C         | to 6          | " 19, Wednesday ... " C          | to 6          | " 9, Wednesday ... " C         | to 6          |
| " 29, Thursday... " D           |               | " 20, Thursday... " D            |               | " 10, Thursday... " D          |               |

## COURT PAPERS.

## COURT OF CHANCERY.

## VACATION NOTICE.

The Master of the Rolls will attend at the Rolls House, Chancery-lane, at two o'clock p.m., on Saturday, the 31st October, 1868.

## SITTINGS.

Michaelmas Term, 1868.

## LORD CHANCELLOR.

Westminster.

Monday, Nov. 2.. App. mtns. & apps.  
Lincoln's Inn.

Tuesday... 3 }  
Wednesday... 4 }  
Thursday... 5 }  
Friday... 6 } Appeals.  
Saturday... 7 }  
Monday... 9 }  
Tuesday... 10 }  
Wednesday... 11 }  
Thursday... 12.. App. mtns. & apps.  
Friday... 13 }  
Saturday... 14 } Appeals.  
Monday... 16 }  
Tuesday... 17 }  
Wednesday... 18 }  
Thursday... 19.. App. mtns. & apps.  
Friday... 20 }  
Saturday... 21 } Appeals.  
Monday... 23 }  
Tuesday... 24.. Petitions & apps.  
Wednesday... 25.. App. mtns. & apps.

## MASTER OF THE ROLLS.

Westminster.

Monday, Nov. 2.. Mtns. & gen. pa.  
Chancery-lane.

Tuesday... 3 }  
Wednesday... 4 } General paper.  
Thursday... 5 }  
Friday... 6 }  
Saturday... 7 } Petns. sht. caus. & general paper.  
Monday... 9 }  
Tuesday... 10 } General Paper.  
Wednesday... 11 }  
Thursday... 12.. Mtns. & gen. pa.  
Friday... 13.. General paper.  
Saturday... 14 } Petns. sht. caus. & general paper.  
Monday... 16 }  
Tuesday... 17 } General paper.  
Wednesday... 18 }  
Thursday... 19.. Mtns. & gen. pa.  
Friday... 20.. General paper.  
Saturday... 21 } Petns. sht. caus. & general paper.  
Monday... 23 }  
Tuesday... 24 } General paper.  
Wednesday... 25.. Mtns. & gen. pa.  
N.B.—Unopposed petitions must be presented and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

## LORDS JUSTICES.

Westminster.

Monday, Nov. 2.. Mtns. & gen. pa.  
Lincoln's Inn.

Tuesday... 3 }  
Wednesday... 4 } Appeals.  
Thursday... 5 }  
Friday... 6 } Ptns. in lunacy, app. ptns., bk. apps. & appeals.  
Saturday... 7 } Appeals.  
Monday... 9 }  
Tuesday... 10 } Apps. from County Palatine of Lanc. & appeals.  
Wednesday... 11.. Appeals.  
Thursday... 12.. App. mtns. & apps.  
Friday... 13 } Petns. in lunacy, app. ptns., bk. apps. & apps.  
Saturday... 14 }  
Monday... 16 } Appeals.  
Tuesday... 17 }  
Wednesday... 18 }

Thursday... 19.. App. mtns. & apps.  
Friday... 20 } Ptns. in lunacy, app. ptns., bk. apps. & appeals.  
Saturday... 21 }  
Monday... 23 } Appeals.  
Tuesday... 24 }  
Wednesday... 25.. Appeal motions.

NOTICE.—The days (if any) on which the Lords Justices shall be engaged in the Full Court, or at the Judicial Committee of the Privy Council, are excepted.

## V. C. Sir JOHN STUART.

Westminster.

Monday, Nov. 2.. Motions.  
Lincoln's Inn.

Tuesday... 2 }  
Wednesday... 3 } Causes.  
Thursday... 4 }  
Friday... 5 } Petns. and causes  
Saturday... 7 } Sht. causes & caus.  
Monday... 9 }  
Tuesday... 10 } Causes.  
Wednesday... 11 }  
Thursday... 12.. Mtns. & causes.  
Friday... 13.. Petitions & causes.  
Saturday... 14.. Sht. caus. & caus.  
Monday... 16 }  
Tuesday... 17 } Causes.  
Wednesday... 18 }  
Thursday... 19.. Mtns. and causes.  
Friday... 20.. Ptns. and causes.  
Saturday... 21.. Sht. causes & caus.  
Monday... 23 } Causes.  
Tuesday... 24 }  
Wednesday... 25.. Motions & causes.  
N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.  
No cause, motion for decree or further consideration, except by order of the Court, may be marked to stand over, if it shall be within twelve of the last cause or matter in the printed paper of the day for hearing.

## V. C. Sir RICHARD MALINS.

Westminster.

Monday, Nov. 2.. Motions.  
Lincoln's Inn.

Tuesday... 3 }  
Wednesday... 4 } General paper.  
Thursday... 5 }  
Friday... 6 } Ptns. & gen. pa.  
Saturday... 7 } Short causes and general paper.  
Monday... 9 }  
Tuesday... 10 } General paper.  
Wednesday... 11 }  
Thursday... 12.. Mtns. & gen. pa.  
Friday... 13.. Petns. & gen. pa.  
Saturday... 14 } Sht. causes, and general paper.  
Monday... 16 }  
Tuesday... 17 } General paper.  
Wednesday... 18 }  
Thursday... 19.. Mtns. & gen. pa.  
Friday... 20.. Ptns. & gen. pa.  
Saturday... 21 } Short causes and general paper.  
Monday... 23 }  
Tuesday... 24 } General paper.  
Wednesday... 25.. Mtns. & gen. pa.

N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard. Adjourned summonses will be heard as motions.

## V. C. Sir G. M. GIFFARD.

Westminster.

Monday, Nov. 2.. Motions.

## Lincoln's Inn.

Tuesday... 3 }  
Wednesday... 4 } General paper.  
Thursday... 5 }  
Friday... 6 }  
Saturday... 7 } Petns. sht. caus. & adj. sums, and general paper.  
Monday... 9 }  
Tuesday... 10 } General paper.  
Wednesday... 11 }  
Thursday... 12.. Mtns. & gen. pa.  
Friday... 13.. General paper.  
Saturday... 14 } Petns. sht. caus. & adj. sums, and general paper.

Monday... 16 } General paper.  
Tuesday... 17 }  
Wednesday... 18 } Mtns. & gen. pa.  
Thursday... 19 } Petns. sht. caus. & adj. sums, and general paper.  
Friday... 20 }  
Saturday... 21 }  
Monday... 23 } General paper.  
Tuesday... 24 }  
Wednesday... 25.. Mtns. & gen. pa.  
N.B.—Any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

## PUBLIC COMPANIES.

LAST QUOTATION, Oct. 30, 1868.

[From the Official List of the actual business transacted.]

## GOVERNMENT FUNDS.

3 per Cent. Consols, 94½  
Ditto for Account, Nov. 5, 94½  
3 per Cent. Reduced, 93½  
New 3 per Cent. 93½  
Do. 3½ per Cent., Jan. '94  
Do. 2½ per Cent., Jan. '94  
Do. 5 per Cent., Jan. '73  
Annuities, Jan. '80—  
Annuities, April, '85  
Do. (Red Sea T.) Aug. 1908  
Ex Bills, £1000, per Ct. 21 p m  
Ditto, £500, Do 21 p m  
Ditto, £100 & £200, 21 p m  
Bank of England Stock, 4 per Ct. (last half-year) 246  
Ditto for Account,

## INDIAN GOVERNMENT SECURITIES.

India Stk., 104 p Ct. Apr. '74, 215  
Ditto for Account  
Ditto 5 per Cent., July, '80 115  
Ditto for Account, —  
Ditto 4 per Cent., Oct. '88 103½  
Ditto, ditto, Certificate, —  
Ditto Enhanced Ppr., 4 per Cent. 92½  
Ind. Inf. Pr., 5 p Ct., Jan. '72 106  
Ditto 5½ per Cent., May, '79 111  
Ditto Debentures, per Cent., April, '64—  
Do. Do., 5 per Cent., Aug. '73 106  
Do. Bonds, 5 per Ct., £1000 20 pa  
Ditto, ditto, under £1000, 20 pa

## RAILWAY STOCK.

| Shres. | Railways.                                   | Paid. | Closing prices |
|--------|---|-------|----------------|
| Stock  | Bristol and Exeter .....                    | 100   | 73             |
| Stock  | Caledonian .....                            | 100   | 72½ x d        |
| Stock  | Glasgow and South-Western .....             | 100   | 92             |
| Stock  | Great Eastern Ordinary Stock .....          | 100   | 42½            |
| Stock  | Do., East Anglian Stock, No. 2 .....        | 100   | 8½             |
| Stock  | Great Northern .....                        | 100   | 105½           |
| Stock  | Do., West Midland .....                     | 100   | 105            |
| Stock  | Great Southern and Western of Ireland ..... | 100   | 97             |
| Stock  | Great Western—Original .....                | 100   | 49             |
| Stock  | Do., West Midland—Oxford .....              | 100   | 28             |
| Stock  | Do., do.—Newport .....                      | 100   | 32             |
| Stock  | Lancashire and Yorkshire .....              | 100   | 128½           |
| Stock  | London, Brighton, and South Coast .....     | 100   | 51             |
| Stock  | Lo. don, Chatham, and Dover .....           | 100   | 17½            |
| Stock  | London and North-Western .....              | 100   | 112            |
| Stock  | London and South-Western .....              | 100   | 88             |
| Stock  | Manchester, Sheffield, and Lincoln .....    | 100   | 48             |
| Stock  | Metropolitan .....                          | 100   | 106            |
| Stock  | Midland .....                               | 100   | 112½           |
| Stock  | Do., Birmingham and Derby .....             | 100   | 80             |
| Stock  | North British .....                         | 100   | 32½            |
| Stock  | North London .....                          | 100   | 122            |
| Stock  | North Staffordshire .....                   | 100   | 58             |
| Stock  | South Devon .....                           | 100   | 45             |
| Stock  | South-Eastern .....                         | 100   | 74½            |
| Stock  | Do., Deferred .....                         | 100   | 52½            |
| Stock  | Taff Vale .....                             | 100   | 143            |

\* A receives no dividend until 6 per cent. has been paid to B.

## MONEY MARKET AND CITY INTELLIGENCE.

The funds have been very dull and heavy this week, with but one unsuccessful attempt at a rally. The railway market also has been stagnant. The cause of this depression appears to be the importation to a large extent of foreign and colonial securities, and anticipations of a rise in the discount rate. Foreign securities have been pretty firm throughout the week.

## ESTATE EXCHANGE REPORT.

## AT THE MART.

By Messrs. J. & R. KEMP.

Leasehold houses and shops, Nos. 5, 7, and 9, Westminster-road, producing £86 per annum; term, 18 years unexpired—Sold for £21,000.  
Leasehold business premises, No. 39, Marchmont-street, Brunswick-square; let at £70 per annum; term, 2½ years unexpired, at £13 13s per annum—Sold for £555.

Oct. 9.—By Mr. W. W. MASON.

Freehold property, known as the Stowmouth Brewery, Mitcham, Kent, with 2 malhouscs, stabling, residence, plant, goodwill, and also a hop plantation, 2 public houses at Margate, and a residence and cottage at Dover—Sold for £3,570.

Oct. 13.—By Messrs. DEBENHAM, TEWSON, & FARMER.

Freehold residence, with coach house, stabling, and meadow land, containing about 7 acres, situate at Claygate, Surrey—Sold for £23,000.

Oct. 15.—By Messrs. ELLIS & SON.  
Freehold plot of building land, situate in Bennetts-road, Peckham—Sold for £740.

## BIRTHS, MARRIAGES, AND DEATHS.

## BIRTHS.

**BOOTH**—On Oct. 26, at Shotley-bridge, county Durham, the wife of John Booth, Esq., Jun., of a son.  
**CRUMP**—On Oct. 29, at 20, Horbury-crescent, Kensington-park-road, the wife of Frederick Octavius Crump, Esq., Barrister-at-Law, of a daughter.

## DEATHS.

**GARDINER**—On Oct. 27, at 12, Warrington-terrace, Maida-vale, Georgina Mary, the beloved wife of Dundas Gardiner, Esq., Barrister-at-Law, aged 31.  
**WATSON**—On Oct. 24, at his residence, 128, Walworth-road, William Henry Watson, Esq., of 12, Bouverie-street, Fleet-street, in his seventy-first year.

## LONDON GAZETTES.

## Winding-up of Joint Stock Companies.

FRIDAY, Oct. 23, 1868.

## LIMITED IN CHANCERY.

**Bristol Soap and Trading Company (Limited).**—Petition for winding-up, presented Oct 21, directed to be heard before Vice-Chancellor Stuart on Nov 6. Whites & Co, Budge-row, solicitors for the petitioner.  
**Lundy Granite Company (Limited).**—Petition for winding-up, presented Oct 22, directed to be heard before the Master of the Rolls on the next petition day. Miller, Cophall-st, Throgmorton-st, solicitor for the petitioners.  
**Paper Manufacturing Company (Limited).**—Petition for winding-up, presented Oct 13, directed to be heard before Vice-Chancellor Malins on the first petition day in November. Kimber & Ellis, Gresham House, solicitors for the petitioner.

## STANNARIES OF CORNWALL.

**New Treawny Silver Lead Mining Company (Limited).**—Petition for winding-up, presented Oct 17, directed to be heard before the Vice-Chancellor, at the Prince's Hall, Truro, on Nov 11 at 12. Affidavits intended to be used at the hearing, in opposition to the petition, must be filed at the Registrar's Office, Truro, on or before Nov 6. Hodge & Co, Truro, petitioners' solicitors.

TUESDAY, Oct. 27, 1868.

## LIMITED IN CHANCERY.

**Dorchester Antelope Hotel Company (Limited).**—Petition for winding-up, presented Oct 21, directed to be heard before Vice-Chancellor Malins, on Nov 6. Algermon & Co, Founders Hall, St Swithin's-lane, solicitors for the petitioners.  
**Lily Quarries Slate and Slab Company (Limited).**—Petition for winding-up, presented Oct 21, directed to be heard before Vice-Chancellor Malins, on the next petition day. Kent, Mitre-st-chambers, Temple, solicitor for the petitioner.  
**Poole and Cherbourg Steam Packet Company (Limited).**—Petition for winding-up, presented Oct 4, directed to be heard before the Master of the Rolls, on the next petition day. Ford, Arundel-st, Strand, solicitor for the petitioner.  
**St Thomas' Floating Dock Company (Limited).**—Petition for winding-up, presented Oct 14, directed to be heard before Vice-Chancellor Malins, on the first petition day in Michaelmas Term. Ashurst & Co, Old Jewry, solicitors for the petitioners.

## Friendly Societies Dissolved.

FRIDAY, Oct. 23, 1868.

**Hillesden Friendly Society,** Plough Inn, Hillesden, Buckingham. Oct 22.

TUESDAY, Oct. 27, 1868.

**Grand Provision Society,** Queen's Arms Tavern, Douglas-st, Deptford. Oct 24.

## Creditors under 22 &amp; 23 Vict. cap. 35.

## Last Day of Claim.

FRIDAY, Oct. 23, 1868.

**Allenby, Everitt,** Regent-st, Esq. Dec 5. Bell & Newman, Abchurch-lane.  
**Fort, Richard,** Read Hall, Lancaster, Esq. Jan 24. Upton & Co, Austin-frirs.  
**Gibson, Geo,** Sandiway, Chester, Innkeeper. Dec 19. Fletcher, Northwich.  
**Grauer, Geo** Dewing, Penzance, Cornwall, Gent. Nov 7. Trythall, Penzance.  
**Grimehaw, Moses,** Horsforth, York, Cloth Manufacturer. Nov 30. Payne & Co, Leeds.  
**Iaghram, Jas,** New Mills, Derby. Dec 26. Sudlow & Hinde, Manch.  
**Montagu, John,** Ladbroke-rd, Notting-hill, Esq. Nov 11. Dixon, Bedford-row.  
**Montagu, Gerard,** Ipswich, Suffolk. Esq. Nov 16. Dixon, Bedford-row.  
**Nixon, Ann,** Faversham, Kent, Widow. Dec 4. Johnson, Faversham.  
**Parish, Saml,** Stapleford Abbotts, Essex, Gent. Dec 5. Phillips & Willicombe, Mark-lane.  
**Porritt, Isaac,** Douglas-st, Deptford, Gent. Nov 30. Sandom & Kersey, Gracechurch-st.  
**Stevens, John,** Bristol, Gent. Nov 21. Davies, Weston-super-Mare.  
**Weaver, Joseph,** East-st, Walworth, Gent. Dec 3. Peddell, Basinghall-st.  
**Wilson, Rev John,** Broughton Sulney, Nottingham, Clerk. Dec 24. Watson & Wadworth, Nottingham.  
**Wiseman, Wm,** Oxford, Mercer. Dec 1. Hazel, Oxford.  
**TUESDAY, Oct. 27, 1868.**  
**Adames, John,** Pagham, Sussex, Yeoman. Jan 27. Powell & Arnold, Chichester.  
**Arins, Richard,** Nuneaton, Warwick, Ribbon Manufacturer. Dec 21. Dewes & Burgess, Nuneaton.  
**Bronthead, Edmund** Arthur, Woodlands, Keswick, Cumberland, Gent. Jan 1. Hebb, Lincoln.  
**Bullen, Edwd,** Balsize-pk-gardens, Haverstock-hill, Esq. Jan 1. Mead & Daubeney, King's Bench-walk.

**Grammer, Fras** Read, Hemphill Hall, Nottingham, Esq. Feb 1. Butlin, Nottingham.  
**Hayne, Emma,** Lee-ter, Blackheath, Widow. Nov 25. Annesley, Lincoln's-inn-fields.  
**Lushington, Hon** Stephen Rumbold, Norton Court, Kent. Dec 16. Knocker, Dover.  
**Mason, Richd,** Soulbly, Westmorland, Yeoman. Jan 31. Preston, Kirkby Stephen.  
**Mills, Chas** Edwd, St Leonards, Sussex, Lieutenant-Colonel. Dec 7. Booty & Butt, Raymond-bldgs, Gray's-inn.  
**Norton, Richd,** Upon Warren, Worcester, Gent. Dec 23. Sanders, Brounsgrove.  
**Parr, Geo,** Cropwell Butler, Nottingham, Esq. Feb 1. Butlin, Nottingham.  
**Sampson, Joseph,** Court Wood, Dorset, Yeoman. Jan 22. Dommett & Canning, Chard.  
**Schnitzler, Chas,** Thomas-st, Clerkenwell, Engraver. Nov 24. Gole, Lime-st.  
**Smith, John,** Lisson-grove, Marylebone, Carpenter. Nov 2. Smith, Tring.  
**Streets, John,** Sandiacre, Derby, Esq. Feb 1. Butlin, Nottingham.  
**Taylor, Chas** Christmas, Rawtenstall, Lancaster, Surgeon. Dec 31. Woodcock & Sons, Haslingden.  
**White, John,** Leyton, Essex, Esq. Dec 1. Lowless & Nelson, Gracechurch-st.

## Goods registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Oct. 23, 1868.

**Davies, Fredk,** Uttoxeter, Stafford, Printer. Oct 2. Asst. Reg Oct 21.  
**Evans, Thos,** Stoke-upon-Trent, Stafford, Potter. Oct 16. Comp. Reg Oct 23.  
**Mumford, Wm** Robt, High-row, Kensington, Draper. Sept 24. Asst. Reg Oct 21.

TUESDAY, Oct. 27, 1868.

**Airs, Chas,** West Cowes, Isle of Wight, Innkeeper. Oct 19. Asst. Reg Oct 26.  
**Austin, Saml** Henderson, Crutched-frirs, Commercial Traveller. Oct 1. Comp. Reg Oct 24.  
**Bennett, Sidney,** St George's-sq, Pinlick, Orthopaedic Practitioner. Oct 19. Inspectorship. Reg Oct 27.  
**Brown, Edwd,** Bedminster, Bristol, Law Writer. Oct 10. Asst. Reg Oct 23.  
**Davis, Abraham,** Sondenburg-rd, Holloway, Polishing Powder Manufacturer. Oct 19. Comp. Reg Oct 23.  
**Jones, Thos,** Fant Maur, Salop, Innkeeper. Sept 24. Asst. Reg Oct 26.  
**Kinsman, Josiah,** Penzance, Cornwall, Painter. Oct 14. Comp. Reg Oct 24.  
**Lane, Hy** Murray, Herald's College, Doctors'-commons, Esq. Oct 24. Comp. Reg Oct 24.  
**Morgan, John,** Bracon, Draper. Sept 22. Comp. Reg Oct 26.  
**Palmer, Hy,** Amersham-rd, New Cross, Commercial Traveller. Oct 23. Comp. Reg Oct 26.  
**Perry, Jas** Chas, Birm, House Agent. Oct 2. Asst. Reg Oct 27.  
**Rouse, Edmund** Joseph, & Edmund Wm Swainson Rouse, London-st, Fenchurch-st, Wine Merchants. Oct 22. Comp. Reg Oct 24.  
**Smith, Lionel,** Greenheys, Manch, Salesman. Sept 28. Comp. Reg Oct 24.  
**Semner, Richd** Peddie, Lpool, Grocer. Oct 9. Comp. Reg Oct 26.  
**Tasker, John,** Worcester, Tailor. Sept 29. Asst. Reg Oct 24.

## Bankrupts.

To Surrender in London.

FRIDAY, Oct. 23, 1868.

**Beecher, Fredk,** St Alban's Cottage, Hornsey-rd, Stone Mason. Pet Oct 17. Pepps. Nov 5 at 1. Barton & Drew, Fore-st.  
**Bellatti, Wm** Louis, Gipsy-hill, Upper Norwood, Railway Servant. Pet Oct 19. Pepps. Nov 6 at 11. Hutchinson, Vauxhall Bridge-rd.  
**Brewer, John,** Lambeth-walk, Lambeth, Eating-house Keeper. Pet Oct 17. Pepps. Nov 5 at 1. Ricketts, Frederick-st, Gray's-inn-rd.  
**Bulkeley, Thos,** Prisoner for Debt, London. Adj Oct 19. Murray. Nov 4 at 12.  
**Carlson, John,** Crawford-st Marylebone, Hatter. Pet Oct 15. Pepps. Nov 3 at 2. Dabie, Basinghall-st.  
**Cavie, Stephen,** Prisoner for Debt, Lewes. Adj Oct 16. Pepps. Nov 6 at 2.  
**Cockerill, John,** Fletton, Huntingdon, Innkeeper. Pet Oct 19. Pepps. Nov 6 at 11. Roscoe & Hincks, King-st, Finsbury-sq.  
**Colbran, Hy,** High-st, Upper Mitcham, Butcher. Pet Oct 19. Pepps. Nov 5 at 2. Parry, Croydon.  
**Cresswell, Wm,** Freshchold-st, Horsley-down, Pork Butcher. Pet Oct 21. Pepps. Nov 10 at 12. Lewis & Co, Basinghall-st.  
**Dale, Fras,** Dalston-lane, Hackney, Tobaccoist. Pet Oct 19. Pepps. Nov 5 at 2. Clarke, St. Mary's-sq, Paddington.  
**Davis, Thos** John, Lucy-st, Bow, out of employment. Pet Oct 16. Pepps. Nov 5 at 1. Feckham, Doctors'-commons.  
**Dunn, Wm** Geo, Summer-hill-rd, West-grove, Dealer in Fancy Goods. Pet Oct 16. Pepps. Nov 5 at 1. Bolton, Fleet-st.  
**Forster, Wm,** Garraut-pl, Clerkenwell, Journeyman Brush Maker. Pet Oct 19. Pepps. Nov 6 at 12. Godfrey, Basinghall-st.  
**Hards, Geo** Richd, Mack's-rd, Bermondsey, out of business. Pet Oct 20. Pepps. Nov 6 at 2. Marshall, Lincoln's-inn-fields.  
**Hetherington, John,** King-st Hammersmith, Grocer. Pet Oct 15. Pepps. Nov 3 at 12. Olive, Portsmouth-st, Lincoln's-inn.  
**Higman, Richd,** Union-rd, Southwark, Chemist. Pet Oct 20. Pepps. Nov 6 at 12. Marshall, Lincoln's-inn-fields.  
**Hill, John,** Prisoner for Debt, Chesherton. Adj Oct 15. Pepps. Nov 6 at 11.  
**Jeffery, John** Wm, Orleans-ter, Twickenham, Book Keeper. Pet Oct 21. Pepps. Nov 10 at 12. Leary & Co, Chancery-lane.  
**Keith, John,** Westmoreland-pl, City-rd, Silversmith. Pet Oct 19. Pepps. Nov 6 at 12. Beard, Basinghall-st.  
**Lightly, Geo** Jas, Weston-st, Bermondsey, Fruit Salesman. Pet Oct 20. Pepps. Nov 6 at 1. Peverley, Gresham-bldgs, Basinghall-st.  
**Morris, Geo,** Strand, Hosier. Pet Oct 19. Pepps. Nov 6 at 11. Daniel, Roll's-chambers, Chancery-lane.



Ramplee, Jas, Landon-hills, nr Romford, Essex, Licensed Victualler. Pet Oct 20. Pepps. Nov 6 at 2. Harrison, Basinghall-st.  
 Richards, Jas, Palmerstone-rd, Plumstead-common, Painter. Pet Oct 16. Pepps. Hope, Ely-pl, Holborn.  
 Richardson, Thos Arthur, Prisoner for Debt, Springfield. Adj Oct 17. Pepps. Nov 6 at 1.  
 Smith, John, Prisoner for Debt, London. Pet Oct 16 (for pau). Pepps. Nov 6 at 12. Biddles, South-sq, Gray's-inn.  
 Spencer, Jas, Reading, Berks, Carrier. Pet Oct 19. Pepps. Nov 6 at 11. Courtenay & Co, Gracechurch-st.  
 Stevens, Mary, Pall Mall, Domestic Servant. Pet Oct 21. Pepps. Nov 10 at 12. Edwards, Bush-lane, Cannon-st.  
 Thompson, Matthew, & Wm Richardson, Woolwich, Builders. Pet Oct 21. Pepps. Nov 6 at 2. Newman, Bucklersbury.  
 Wade, Edwd, Blackfriars-rd, Baker. Pet Oct 13. Pepps. Nov 5 at 2. Hillcarys & Co, Fenchurch-bldgs.  
 Walker, Emily, Tottenham-cr-rd, Milliner. Pet Oct 20. Pepps. Nov 6 at 1. Badham, Queen-st, Chapsale.  
 Whitefield, Chas, Crafton-rd, Holloway, Surgeon's Assistant. Pet Oct 20. Pepps. Nov 6 at 1. Smythe, Coleman-st.

#### To Surrender in the Country.

Anderson, Wm, Guisborough, York, Printer. Pet Oct 19. Perkins. Stokesby, Nov 7 at 12. Wilcox, Stokesby.  
 Atherton, Peter, Westloughton, Lancaster, Tailor. Pet Oct 21. Holden. Bolton, Nov 4 at 10. Ramwell, Bolton.  
 Banner, Enoch, Odd Robe, Chester, out of business. Pet Oct 20. Challinor. Hanley, Nov 14 at 11. Salt, Tunstall.  
 Beavin, Thos, Norton, Lincoln, Farmer. Pet Oct 19. Tudor. Birm, Nov 3 at 11. Toynebo & Larkin, Lincoln.  
 Benham, Hy, Calington, Devon, Clock Maker. Pet Oct 19. Daw. Tiverton, Nov 4 at 11. Cockram, Tiverton.  
 Bent, Joseph, Prisoner for Debt, Leicester. Adj Oct 19. Tudor. Nottingham, Nov 3 at 11. Maples, Nottingham.  
 Blease, John, Swanback Mill, Chester, Miller. Pet Oct 21. Jones. Whitchurch, Nov 6 at 12. Cooper, Congleton.  
 Broadbent, Jas, Flockersbrook, Chester, Comm Agent. Pet Oct 21. Lpool, Nov 5 at 11. Martin, Lpool.  
 Chane, Josiah Brough, Much Wenlock, Salop, Wine Merchant. Pet Oct 9. Tudor. Birm, Nov 6 at 12. Kough, Shrewsbury.  
 Coleman, Saml, Caepphill, Glamorgan, Grocer. Pet Oct 13. Wilde. Bristol, Nov 4 at 11. Griffiths, Cardiff.  
 Crispin, Joseph, Prisoner for Debt, Leicester. Adj Oct 19. Hill. Birm, Nov 4 at 12. James & Griffin, Birm.  
 Cooper, Thos, Wolverhampton, Journeyman Lock Manufacturer. Pet Oct 19. Hill. Birm, Nov 4 at 12. Stratton, West Hampton.  
 Cox, Wm, Tutbury, Stafford, Builder. Pet Oct 21. Hill. Birm, Nov 6 at 12. Tudor. Birm, Nov 6 at 12. Drury, Burton-on-Trent.  
 Cross, Solomon, Birm, Dealer in Iron Bedsteads. Pet Oct 21. Watson. Oldbury, Nov 5 at 11. Shakespeare, Oldbury.  
 Dalgetty, John, Gloucester, Baker. Pet Oct 12. Wilde. Bristol, Nov 4 at 11. Cooke, Gloucester.  
 Davis, Thos, Leicester, Boot Dealer. Pet Oct 20. Ingram. Leicester, Nov 7 at 10. Lees, Nottingham.  
 Deakin, John, Horseshay, Salop, Labourer. Pet Oct 20. Madeley, Nov 4 at 12. Taylor, Wellington.  
 Dennis, Alfd, Rotherham, York, Beehouse-keeper. Pet Oct 19. Newman. Rotherham, Nov 9 at 11. Binney, Sheffield.  
 Edwards, John, Taunton, Somerset, Painter. Pet Oct 20. Exeter, Nov 4 at 12. Clarke, Exeter.  
 Edwards, Edwd, Lpool, Grocer. Pet Oct 20. Hime. Lpool, Nov 4 at 3. Beilinger, Lpool.  
 Edwards, Theodore Edwd, West Derby, Lancaster, Ship Broker. Pet Oct 20. Hime. Lpool, Nov 3 at 3. Ritson, Lpool.  
 Elliott, Thos, & John Elliott, Sunderland, Durham, Fishing Smack Proprietors. Pet Oct 6. Newcastle-upon-Tyne, Nov 6 at 11.30. Kilsen, Sunderland.  
 Gay, Richd, Helston, Cornwall, Blacksmith. Pet Oct 16. Hill. Helston, Oct 31 at 10. Dale.  
 Gingell, Hy, Bath, Somerset, Grocer. Pet Oct 19. Smith. Bath, Nov 4 at 11. Barum, Bath.  
 Glasscock, Hy, Downham Market, Norfolk, Butcher. Pet Oct 19. Reed. Downham Market, Oct 31 at 10. Nunn, Downham Market.  
 Harnsworth, Geo, Ryde, Isle of Wight, Railway Clerk. Pet Oct 20. Blake. Newport, Nov 4 at 12. Hooper, Newport.  
 Harvey, Geo, Bees-lane, Stafford, Cordwainer. Pet Oct 19. Gardner. Rugeley, Nov 7 at 10. Grabb, Rugeley.  
 Hotchkiss, Thos, jun, Birm, out of business. Pet Oct 21. Guest. Birm, Nov 20 at 10. Allen, Birm.  
 Hughes, Chas, Cheltenham, Gloucester, Tailor. Pet Oct 15. Gale. Cheltenham, Nov 3 at 11. Jessop, Cheltenham.  
 Jordan, Wm, Norton, Glamorgan, out of business. Pet Oct 8. Morris. Swansea, Nov 4 at 2. Morris, Swansea.  
 Lawford, Jesse John, Liversedge, York, Woolstapler. Pet Oct 22. Leeds, Nov 9 at 11. Bond & Barwick, Leeds.  
 Levy, Morris Lawrence, & Emanuel Levy, Birm, Watch Manufacturers. Pet Oct 19. Hill. Birm, Nov 4 at 11. James & Griffin, Birm.  
 Lord, John, Manch, Comm Agent. Pet Oct 20. Hulton. Salford, Nov 7 at 9.30. Seddon, Manch.  
 Lucas, Joseph, Blackburn, Lancashire, Draper. Pet Oct 19. Fardell. Manch, Nov 9 at 12. Atkinson & Co, Manch.  
 Martin, Wm Geo, New Basford, Nottingham, Jacquard Reader. Pet Oct 17. Patchitt. Nottingham, Dec 3 at 10.30. Belk.  
 Maysey, John, Bristol, Clerk. Pet Oct 17. Harley. Bristol, Nov 6 at 12. Clifton.  
 Morgan, Thos, Swansea, Glamorgan, Labourer. Pet Oct 9. Morris. Swansea, Nov 5 at 2. Field, Swansea.  
 Pashley, Frae, Sheffield, Field Knife Manufacturer. Pet Oct 21. Leeds, Nov 4 at 12. Tattershall, Sheffield.  
 Pearson, Thos, Prisoner for Debt, Bristol. Adj Oct 21 (for pau). Harley. Bristol, Nov 6 at 12.  
 Peterson, Thos Pexton, Prisoner for Debt, Bristol. Adj Oct 21 (for pau). Harley. Bristol, Nov 6 at 12.  
 Rawlinson, Christopher, Over Darwen, Lancaster, Photographer. Pet Oct 16. Bolton. Blackburn, Nov 5 at 11. Beck & Swift, Blackburn.

Redshaw, Jas, Heskington, Lincoln, Cattle Dealer. Pet Oct 20. Tudor. Birm, Nov 3 at 11. Belk, Nottingham.  
 Richards, Saml, Warrington, Aston, nr Birm, Hatter. Pet Oct 21. Hill. Birm, Nov 4 at 12. Francis, Birm.  
 Richardson, Thos, Falmouth, Cornwall, Channell Pilot. Pet Oct 20. Tilly. Falmouth, Nov 2 at 11. Jenkins, Falmouth.  
 Roe, Chas, Wisbech, Cambridge, Pattern Maker. Pet Oct 17. Metcalfe. Wisbech, Nov 5 at 11. Ollard, Upwell.  
 Scott, Thos, York, Furnaceman. Pet Oct 21. Perkins. York, Nov 5 at 10. Mann, York.  
 Spalding, Geo Thos, Farlethorpe, Lincoln, Brickmaker. Pet Oct 17. Walker. Spilsby, Nov 5 at 11. Brackenbury, Aford.  
 Sturges, Wm, Belper, Derby, Beerhouse Keeper. Pet Oct 20. Ingle. Belper, Nov 7 at 11. Briggs, Derby.  
 Summers, John, Basford, Nottingham, Lace Maker. Pet Oct 20. Patchitt. Nottingham, Dec 23 at 10.30. Heathcote.  
 Tarpey, Martin, Ramsbottom, Lancaster, out of business. Pet Oct 19. Grundy. Bury.  
 Thick, Albert, Woolston, Southampton, Builder. Pet Oct 21. Thorndike. Southampton, Nov 4 at 12. Mackey, Southampton.  
 Tidswell, Thos, Bradford, York, Joiner. Pet Oct 22. Leeds, Nov 9 at 11. Hill, Bradford.  
 Tweedy, Geo Morton, Prisoner for Debt, Norwich. Pet Oct 15. Watson. Little Walsingham, Nov 4 at 12. Garwood, Wells.  
 Weeks, John, & Wm Weeks, Paignton, Devon, Builders. Pet Oct 11. Exeter, Nov 4 at 12. Clarke, Exeter.  
 White, Thos, Prisoner for Debt, Hereford. Adj Oct 20. Hill. Birm, Nov 4 at 12. James & Griffin, Birm.  
 Whitehead, Wm, Sheffield, out of business. Pet Oct 21. Leeds, Nov 4 at 12. Binney & Son, Sheffield.  
 Williams, Hugh, Prisoner for Debt, Ruthin. Adj Sept 9. Edwards. Denbigh, Dec 2 at 11.  
 Williams, Peter, Lpool, Beerhouse Keeper. Pet Oct 20. Hime. Lpool, Nov 5 at 3. Blackhurst, Lpool.  
 Williamson, Chas, jun, Newcastle-under-Lyme, Stafford, Grocer. Pet Oct 19. Hill. Birm, Nov 4 at 12. Rowlands, Birm.  
 Winterton, John, Quorndon, Leicester, Framework Knitter. Pet Oct 20. Tudor. Birm, Nov 3 at 11. Belk, Nottingham.

TUESDAY, Oct. 27, 1868.

#### To Surrender in London.

Beck, John, St. Mary Axe, Licensed Victualler. Pet Oct 20. Pepps. Nov 6 at 1. Jacobs, Bedford-row.  
 Benjamin, Mark, Prisoner for Debt, London. Pet Oct 15. Pepps. Nov 10 at 2. Roberts, Moorgate-st.  
 Canham, Jas, & Robt Guiver Canham, Cambridge, Builders. Pet Oct 22. Pepps. Nov 10 at 11. Tarrant, Bond-st, Walbrook.  
 Crisford, Lester, Ninfel, Sussex, Innkeeper. Pet Oct 24. Pepps. Nov 12 at 11. Senior, New-inn.  
 Denney, Wm, Prisoner for Debt, London. Pet Oct 22 (for pau). Pepps. Nov 10 at 1. Biddles, South-sq, Gray's-inn.  
 Downie, John Robt Rendle, Prisoner for Debt, London. Adj Oct 21. Murray. Nov 9 at 11.  
 Evans, Fredk Mallett, Bedford-st, Covent-garden, Gent. Pet Oct 20. Pepps. Nov 6 at 1. Richardson, Piccadilly.  
 Field, Geo Harding, Bermondsey-wall, Bermondsey, Licensed Victualler. Pet Oct 24. Murray. Nov 9 at 11. Bassett & March, St James-st, Bedford-row.  
 Gardener, Geo Fred, Bristol, Manager of a Brewery. Pet Oct 24. Murray. Nov 11 at 11. Waring, Bishopsgate-st Without.  
 Garland, Augustus Hy, Thompson's Hotel, Cavendish-sq. Pet Oct 30. Pepps. Nov 6 at 2. Chappel, Golden-sq.  
 Green, Chas Case, Prisoner for Debt, Springfield. Pet Oct 20. Pepps. Nov 12 at 11. Mercer & Mercer, Mincing-lane.  
 Hutchings, Thos, Prisoner for Debt, London. Adj Oct 21. Murray. Nov 9 at 11.  
 Lawson, Hatio, Prisoner for Debt, London. Pet Oct 22 (for pau). Pepps. Nov 10 at 2. Edwards, Bush-lane, Cannon-st.  
 Lloyd, Hy Scales, Amelia-st, Walworth-rd, Grocer. Pet Oct 23. Pepps. Nov 12 at 11. Doble, Basinghall-st.  
 Lunn, Jas, Malvern-rd, Carlton-rd, Kilburn-pl, Draper. Pet Oct 23. Pepps. Nov 12 at 11. Durant, Guildhall-chambers.  
 Lyons, Maurice, Whitechapel-rd, Tailor. Pet Oct 15. Pepps. Nov 12 at 2. Mason, Basinghall-st.  
 Madgwick, Patrick, Prisoner for Debt, London. Pet Oct 24 (for pau). Pepps. Nov 12 at 12. Watson, Basinghall-st.  
 Maitland, Alex, Sionce-st, Chelsea, Linen Draper. Pet Oct 21. Pepps. Nov 6 at 2. Brighton, Bishopsgate-st Without.  
 Morris, Hubert, Prisoner for Debt, London. Pet Oct 22 (for pau). Pepps. Nov 10 at 2. Biddles, South-sq, Gray's-inn.  
 Phillips, Joseph, Prisoner for Debt, London. Pet Oct 22 (for pau). Pepps. Nov 10 at 2. Edwards, Bush-lane, Cannon-st.  
 Robinson, Joseph Galiffe, Prisoner for Debt, London. Pet Oct 22 (for pau). Pepps. Nov 9 at 11. Edwards, Bush-lane, Cannon-st.  
 Scott, Andrew, Eglington-rd, North Bow, out of business. Pet Oct 22. Pepps. Nov 10 at 11. Evans & Co. John-st, Bedford-row.  
 Severn, Edwin, Alfred-st, Bedford-sq, Dealer in Fancy Goods. Pet Oct 23. Pepps. Nov 12 at 12. Lawert, Lower Thames-st.  
 Shaw, Joseph, Stock Orchard-rd, Holloway, Pianoforte Maker. Pet Oct 23. Pepps. Nov 10 at 2. Olive, Portmouth-st, Lincoln's-inn.  
 Taylor, David, Masborough-rd North, Blythe-lane Hammersmith, Grocer. Pet Oct 19. Pepps. Nov 10 at 12. Hutchinson, Vauxhall-bridge-rd.  
 Tomlin, Hy Chas, James-pl, Victoria-rd, Peckham, Baker. Pet Oct 23. Pepps. Nov 10 at 2. Heathfield, Lincoln's-inn-fields.  
 Wakeford, Thos, Hall-pl, Edgeware-rd, Grocer. Pet Oct 21. Pepps. Nov 10 at 12. Watson, Basinghall-st.

#### To Surrender in the Country.

Abrahams, David, Prisoner for Debt, Monmouth. Pet Oct 22. Wilde. Bristol, Nov 6 at 11. Clifton, Bristol.  
 Atkinson, John, Hawkshead, Lancaster, Grocer. Pet Oct 23. Fardell. Manch, Nov 11 at 12. Slater & Barling, Manch.  
 Bairstow, Wm, Batley, York, Furniture Dealer. Pet Oct 26. Leeds, Nov 9 at 11. Scholefield, Batley.  
 Bartle, Herbert, Ossington, Nottingham, Wheelwright. Pet Oct 24. Newton. Newark, Nov 11 at 12. Ashley, Newark.  
 Bates, Elliott, Lockwood, York, Deliver. Pet Oct 20. Jones. Huddersfield, Nov 13 at 10. Freeman, Huddersfield.

Beard, Giles, Prisoner for Debt, Gloucester. Adj Oct 10. Wilde. Bristol, Nov 6 at 11.  
 Bennett, Ezeador, Manch, Jeweller. Pet Oct 20. Kay. Manch, Nov 17 at 9.30. Mann, Manch.  
 Bradshaw, Geo John, Stoke-upon-Trent, Stafford, Potter. Pet Oct 23. Keary. Stoke-upon-Trent, Nov 7 at 11. Stevenson, Stoke-upon-Trent.  
 Calvert, Geo, Bradford, York, Joiner. Pet Oct 20. Bradford, Nov 6 at 9.15. Hargreaves, Bradford.  
 Cook, Thos, Chorley, Lancaster, Grocer. Pet Oct 16. Macrae. Manch, Nov 6 at 12. Richardson, Manch.  
 Cooper, Geo, Chinnor, Oxford, Blacksmith. Pet Oct 24. Holloway. Thame. Nov 12 at 11. Clarke, Aylesbury.  
 Cooper, Jas, Prisoner for Debt, Manch. Pet Oct 15 (for pau). Kay. Manch, Nov 17 at 9.30. Law, Manch.  
 Cooper, John, Bolton, Lancaster, Coach Builder. Pet Oct 23. Fardell. Manch, Nov 9 at 12. Richardson & Co, Manch.  
 Dibb, Edw Napier, Blackburn, York, Surgeon. Pet Oct 20. Hoyle. Rotherham, Nov 9 at 1. Chambers, Sheffield.  
 Eney, Robt, son, Earli, Huntingdon, Butcher. Pet Oct 20. Margatta. Huntingdon, Nov 4 at 11.30. Watts, St. Ives.  
 Evans, Jonab, Chesterton, Stafford, Brick Burner. Pet Oct 23. Slaney. Newcastle-upon-Lyme, Nov 7 at 11. Tennant, Hanley.  
 Fletcher, John, Barton-under-Needwood, Stafford, Brewer's Labourer. Pet Oct 21. Hubbersty. Burton-upon-Trent, Nov 11 at 11. Wilson, Burton-upon-Trent.  
 Gardiner, Geo, Bristol, no business. Pet Oct 24. Wilde. Bristol, Nov 7 at 11. Pigeon & Ward, Bristol.  
 Goodier, Thos, Lpool, Bank Manager. Pet Oct 20. Lpool, Nov 10 at 11. Martin, Lpool.  
 Graham, Wm, Prisoner for Debt, Durham. Adj Oct 15. Bowes. Darlington, Nov 6 at 10. Stevenson, Darlington.  
 Grubb, Jas, Winslow, Hereford, Drainer. Pet Oct 23. West. Brom-yard, Nov 11 at 3. Tree, Worcester.  
 Heads, John, Consett, Durham, Beerhouse Keeper. Pet Oct 23. Booth. Shotley Bridge, Nov 9 at 1. Brignall, jun, Durham.  
 Hinton, Geo, Bradford, York, Grocer. Pet Oct 23. Leeds, Nov 9 at 11. Cariss & Tempest, Leeds.  
 Jackson, Robt, Leeds, Outfitter's Assistant. Pet Oct 21. Marshall. Leeds, Nov 19 at 12. Ford, Leeds.  
 James, Hy, Aston-juxta-Birm, Journeyman Gun Stocker. Pet Oct 19. Brown. Wolverhampton, Nov 3 at 12. Parry, Birm.  
 Jobber, Hy, Willenhall, Stafford, Journeyman Varnish Maker. Pet Oct 16. Brown. Wolverhampton, Nov 3 at 12. Rest, Bilston.  
 Jolliffe, Charlotte, Shanklin, Isle of Wight, Lodging-house Keeper. Pet Oct 21. Blake. Newport, Nov 7 at 12. Urry, Ventnor.  
 Leal, Jas, Birm, Hosier. Pet Oct 23. Hill. Birm, Nov 11 at 12. Griffin, Birm.  
 Lee, John, Primrose-hill, nr Huddersfield, Stonemason. Pet Oct 10. Jones. Huddersfield, Nov 13 at 10. Sykes, Huddersfield.  
 Lloyd, Jas, Dresden, Stafford, Beerseller. Adj Oct 9. Keary. Stoke-upon-Trent, Nov 7 at 11.  
 Loe, John, Prisoner for Debt, Derby. Pet Oct 5 (for pau). Weller. Derby, Nov 10 at 12. Briggs, Derby.  
 Lockwood, Geo, Linthwaite, York, Beerhouse Keeper. Pet Sept 17. Jones. Huddersfield, Nov 13 at 10. Freeman, Huddersfield.  
 Machin, Geo, Scarborough, York, Hairdresser. Pet Oct 24. Wodall. Scarborough, Nov 16 at 3. Spurr, Scarborough.  
 Marples, Enos, Sheffield, Butcher. Pet Oct 22. Wake. Sheffield, Nov 6 at 1. Micklethwaite, Sheffield.  
 Marsden, Nathan, Oldham, Lancaster, Manager. Pet Oct 22. Macrae. Manch, Nov 12 at 12. Fletcher, Manch.  
 Matthews, Thomas, Dresden, Stafford, out of business. Pet Oct 21. Keary. Stoke-upon-Trent, Nov 7 at 11. Tomkinson, Burslem.  
 Maw, John, Great Driffield, York, Chimney Sweep. Pet Oct 24. Tonge. Gt Driffield, Nov 7 at 11. Allen, Gt Driffield.  
 Miller, John, & Robert Fenwick Miller, Gloucester, Ship Builders. Pet Oct 23. Wilde. Bristol, Nov 6 at 11. Taynton, Gloucester.  
 Mitchell, Thos, Birkenhead, Chester, Manufacturer of Soda Water. Pet Oct 22. Lpool, Nov 6 at 12. Kent, Lpool.  
 Moorley, James, Horninglow, Stafford, out of business. Pet Oct 12. Hubbersty. Burton-upon-Trent, Nov 11 at 11. Smith, Derby.  
 Okes, George, Derby, out of business. Pet Oct 14. Weller. Derby, Nov 10 at 12. Briggs, Derby.  
 Palmer, James, Compton-lane, Devon, Nurseryman. Pet Oct 23. Pearce. East Stonehouse, Nov 11 at 11. Beer & Rundle, Devonport.  
 Parkinson, Richd, Manch, Provision Merchant. Pet Oct 19. Fardell. Manch, Nov 9 at 11. Sale & Co, Manch.  
 Peters, Jas, Prisoner for Debt, Bristol. Adj Oct 17. Wilde. Bristol, Nov 6 at 11.  
 Pidgeon, Frances, Upper Bangor, Carnarvon, Widow. Pet Oct 26. Lpool, Nov 9 at 12. Evans & Lockett, Lpool.  
 Richards, Herbert Peter, Wolverhampton, Stafford, out of business. Pet Oct 23. Tudor. Birm, Nov 13 at 12. James & Griffin, Birm.  
 Richardson, Alfred, Peterborough, Northampton, Mechanical Engineer. Pet Oct 21. Walker. Spilsby, Nov 5 at 11. Parrow, Alford.  
 Ricketts, Geo, Hartham, Wils, Servant. Pet Sept 26 (not on July 26). Weller. Derby, Nov 10 at 12. Smith, Derby.  
 Rivers, Jas Brown, Ashford, Kent, out of business. Pet Oct 21. Dangerfield. Ashford, Nov 7 at 10. Norwood, Ashford.  
 Robinson, Fras, South Shields, Durham, Shipowner. Pet Oct 22. Gibson. Newcastle-upon-Tyne, Nov 11 at 12. Hoyle & Co, Newcastle-upon-Tyne.  
 Sevens, Thos, Banbury, Oxford, out of business. Pet Oct 24. Fortescue. Banbury. Derby, Nov 7 at 10. Buller, Banbury.  
 Steadman, Chas, Birm, Grocer. Pet Oct 22. Hill. Birm, Nov 11 at 12. Webb & Spencer, Birm.  
 Taylor, Wm Swindell, Derby, Higgler. Pet Oct 23. Weller. Derby, Nov 10 at 12. Briggs, Derby.  
 Thompson, John, Bocking, Essex, Beerseller. Pet Oct 22. Cannington, Braintree, Nov 9 at 10. Cardinal, Halstead.  
 Turner, Joseph, Hoyland, York, Beerhouse-keeper. Pet Oct 19. Shepherd. Barnsley, Nov 7 at 12. Fernell, Sheffield.  
 Tyrrell, Fras, Reading, Berks, Corn Factor. Pet Oct 24. Wilde. Bristol, Nov 7 at 11. Clifton, Bristol.  
 Walford, Daniel Nathl, Lpool, Grocer. Pet Oct 16. Lpool, Nov 10 at 11. Martin, Lpool.

Walsh, John, Ellesmere, Salop, Draper. Pet Oct 12. Hill. Birm, Nov 11 at 12. Wace, Ellesmere.  
 Watson, John, Brassington, Derby, Grocer. Pet Oct 22. Hubbersty. Ashborne, Nov 13 at 11. Tomlinson & Son, Ashborne.  
 Wild, Joseph, Walmisley, Lancaster, out of business. Fardell. Manch, Nov 9 at 11. Stringer, Manch.  
 Wilson, Wm, Huddersfield, Confectioner. Pet Oct 12. Jones. Huddersfield, Nov 13 at 10. Craven, Huddersfield.  
 Witham, Joseph, Mansfield, Nottingham, out of business. Pet Oct 23. Patchitt. Mansfield, Nov 9 at 11.30. Belk.  
 Wright, Thos, Leeds, Beerhouse-keeper. Pet Oct 23. Marshall. Leeds Nov 19 at 12. Granger & Son, Leeds.

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THE  
PUBLIC GENERAL STATUTES,

31 & 32 VICTORIÆ 1868.

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THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

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LONDON  
59, CAREY-STREET, LINCOLN'S-INN, W.C.

1868.

THE

PUBLIC GENERAL STATUTES

OF A. S. VICTORIA 1867

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1867



# PUBLIC GENERAL STATUTES, 1868.

31 & 32 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

## CAP. I.

An Act to apply the Sum of Two million Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-eight.

[7th December, 1867.]

## CAP. II.

An Act to grant to Her Majesty additional Rates of Income Tax.

[7th December, 1867.]

## CAP. III.

An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1868," and the Acts amending the same.

[7th December, 1867.]

## CAP. IV.

An Act to amend the Law relating to Sales of Reversions.

[7th December, 1867.]

"Whereas it is expedient to amend the law, as administered in courts of equity, with respect to sales of reversions:"

Be it enacted &c.

1. *No purchase, made bonâ fide, of reversionary interests to be set aside merely on the ground of undervalue.* No purchase, made bonâ fide and without fraud or unfair dealing, of any reversionary interest in real or personal estate shall hereafter be opened or set aside merely on the ground of undervalue.

2. *Interpretation of "purchase."* The word "purchase" in this Act shall include every kind of contract, conveyance, or assignment under or by which any beneficial interest in any kind of property may be acquired.

3. *Commencement of Act.* This Act shall come into operation on the 1st day of January, 1868, and shall not apply to any purchase concerning which any suit shall be then depending.

## CAP. V.

An Act for the Amendment of "The Metropolitan Streets Act, 1867."

[7th December, 1867.]

Be it enacted, &c.

1. *Amendment of section 6 of 30 & 31 Vict. c. 134.* The 6th section of The Metropolitan Streets Act, 1867, prohibiting the deposit of goods in the streets, shall not apply to costermongers, street hawkers, or itinerant traders, so long as they carry on their business in accordance with the regulations from time to time made by the Commissioner of Police, with the approval of the Secretary of State; and so much of the said 6th section as refers to the surface of any space that intervenes in any street between the footway and the carriage way is hereby repealed.

2. *Regulations as to lamps to be subject to approval of Secretary of State.* No regulation shall be made in respect of the carriage of lamps by hackney carriages in pursuance of the

17th section of "The Metropolitan Streets Act, 1867," except with the approval of one of her Majesty's principal Secretaries of State.

3. *Short title.* This Act may be cited for all purposes as "The Metropolitan Streets Act Amendment Act, 1867," and shall be construed as one with the said Metropolitan Streets Act, 1867.

## CAP. VI.

An Act to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster.

[7th December, 1867.]

"Whereas it is expedient to forbid the issue of writs for members to serve in this present Parliament for the boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster:"

Be it enacted, &c.

1. *Prohibition of issue of writs.* From and after the passing of this Act, the Speaker shall not sign any warrant for the issue of a writ, and no writ shall issue, for the election of any member or members to serve in Parliament for the boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster, or any of such boroughs.

2. *Prohibition of registration of voters.* After the passing of this Act, no registration of voters for members of Parliament shall take place in any of the said boroughs.

## CAP. VII.

An Act to further continue the Act of the Twentieth Year of the Reign of Her present Majesty, Chapter One, intituled An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.

[28th February, 1868.]

1. *Powers &c. of 29 & 30 Vict. c. 1, further continued.*

2. *All prisoners under this Act to be treated as untried prisoners.*

## CAP. VIII.

An Act to provide for the Acquisition of a Site for a Museum in the East of London.

[28th February, 1868.]

## CAP. IX.

An Act to regulate the Disposal of extra Receipts of Public Departments.

[30th March, 1868.]

## CAP. X.

An Act to apply the Sum of Three hundred and sixty-two thousand three hundred and ninety-eight Pounds Nineteen shillings and Ninepence out of the Consolidated Fund to the Service of the Years ending the Thirty-first day of March One thousand eight hundred and sixty-seven and the Thirty-first Day of March One thousand eight hundred and sixty-eight.

[30th March, 1868.]

## CAP. XI.

An Act to amend an Act to make further Provision for the Despatch of Business in the Court of Appeal in Chancery.

[30th March, 1868.

"Whereas it is expedient to amend an Act passed in the 30 & 31 Vict. c. 64 :—

Be it enacted &c.

1. *No decree, &c., upon motion to be heard before judges sitting separately.*] In addition to the proviso in the said recited Act that no decree made on the hearing of a clause or for further consideration shall be reheard before the judges appointed under the Act of the 14 & 15 Vict. c. 83, when sitting separately, no decree or decretal order made upon motion shall after the passing of this Act be reheard before the said judges when sitting separately: provided that the Lord Chancellor shall and may while sitting alone have and exercise the like jurisdiction, powers, and authorities as might have been exercised by the Lord Chancellor if this Act had not been passed.

2. *This and recited Act to be as one.*] This Act and the said recited Act shall be read together as one Act.

## CAP. XII.

An Act to facilitate the Alteration of Days upon which, and of Places at which, Fairs are now held in Ireland.

[30th March, 1868.

## CAP. XIII.

An Act to apply the Sum of Six million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first day of March One Thousand eight hundred and sixty-nine.

[3rd April, 1868.

## CAP. XIV.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[3rd April, 1868.

## CAP. XV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[3rd April, 1868.

## CAP. XVI.

An Act to apply the Sum of Seventeen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-nine.

[29th May, 1868.

## CAP. XVII.

An Act to further continue and appropriate the London Coal and Wine Duties.

[29th May, 1868.

## CAP. XVIII.

An Act to give further Time for making certain Railways.

[29th May, 1868.

Be it enacted, &c.

1. *Short title.*] This act may be cited as "The Railways (Extension of Time) Act, 1868."

2. *Interpretation of terms.*] In this Act—

The term "company" means a railway company; that is to say, a company constituted by Act of Parliament, or by certificate under Act of Parliament, for the purpose of constructing, maintaining, or working a railway (either alone or in conjunction with any other purpose):

The term "railway" includes "tramway":

The term "share" includes "stock":

The term "Gazette" means with respect to a railway or works or lands in England the *London Gazette*, with respect to a railway or works or lands in Scotland the *Edinburgh Gazette*, and with respect to a railway or works or lands in Ireland the *Dublin Gazette*.

3. *Power for company to apply to Board of Trade for extension of time.*] Where it is desired that the time limited for

the completion by a company of a railway or part of a railway, or of a work, or for the purchase by them of lands for the purpose thereof, be extended, then, subject and according to the provisions of this Act, within one year after the passing of this Act, an application for that purpose may be made to the Board of Trade by or on behalf of the company.

4. *Application only with assent of shareholders.*] An application under this Act shall not be entertained by the Board of Trade unless it is made with the assent of three fifths in value of the votes of the holders of the shares in the subscribed capital of the company, recorded at an extraordinary meeting of the company convened for the purpose.

5. *Circular to shareholders.*] Where a meeting is called for the purpose of this Act the secretary of the company shall, seven clear days at least before the day appointed for the meeting, send by post to each registered shareholder, to his registered or known address, a circular, which shall be in the form given in the schedule to this Act, with such variations as circumstances require, and with such modifications (if any) as the Board of Trade approve.

6. *Mode of signification of assent or dissent.*] Each shareholder may signify his assent to or dissent from the proposed application in the manner indicated in the circular sent.

7. *Meeting to elect scrutineers.*] At the meeting the shareholders personally present shall elect three shareholders to be scrutineers.

8. *Ascertainment of assents or dissents.*] The scrutineers shall ascertain and record the proportion of capital held by shareholders assenting, and shall report it to the chairman, who shall announce it to the meeting, and state whether the proposed application is assented to by the requisite proportion or not.

9. *What shares only to be reckoned.*] In the computation of assents a share shall not be reckoned unless the holder thereof is duly registered, and has paid on all shares held by him all calls due by him made three months or upwards before the day of the meeting or of the presentation to the directors of the requisition (if any) on which the meeting is held.

10. *Adjournment on application of scrutineers.*] For the purpose of receiving the report of the scrutineers, the chairman may, if he thinks fit on the application of any one of the scrutineers, and shall, if required by more than one of them, adjourn the meeting to a day appointed by him, being not less than one or more than seven clear days from the day of the meeting.

11. *Decision of scrutineers final.*] The decision of the scrutineers, or any two of them, on any matter to be decided by them under this Act, shall be final.

12. *Notice of application in Gazette, &c.*] When an application has been made to the Board of Trade in accordance with this Act, then, if it appears to them that there are sufficient grounds for entertaining the application, they shall direct notice of the fact that the application has been made to be given, by or on behalf of the company, by advertisement (in a form approved by the Board of Trade) once in the *Gazette* and once in each of three successive weeks in a newspaper published or circulating in each of the counties in which any portion of the railway, part of a railway, works or lands to which the application relates is situate, and by bills affixed, on three successive Sundays, on the principal outer door of the church or churches in every parish in which any portion of the railway, part of a railway, works or lands is situate; and every such notice shall state when and how any person, company, or corporation objecting to the application may bring his objection before the Board of Trade.

13. *Extension of time by warrant of Board of Trade.*] The Board of Trade, on proof to their satisfaction that notice has been duly given, and on the expiration of the time allowed for objections, and after considering the objections (if any), may, if they think fit, by warrant (signed by their secretary or one of their assistant secretaries), according to the nature of the application made to them, and on such terms and conditions (if any) as they think fit, extend the time limited for the completion of the railway, or of any part thereof, or of any works, or may (with or without extension of the time aforesaid) extend the

time limited for the purchase of any lands for the purpose of the railway, or of any part thereof, or of any works, for such time in each case as they think fit, not exceeding in any case two years from the expiration of the respective time limited; and every such warrant shall have effect as if the provisions thereof had been enacted by Parliament; provided that no such warrant shall be granted unless the Board of Trade, having ascertained the state and condition of the company in the manner provided in the fourteenth section of the Abandonment of Railways Act, 1850, see reason to believe that the company will be able to complete the railway, part of a railway, or works within the extended time named in the warrant, for which purpose the Board of Trade shall have all the powers of that section, and the provisions of that section shall extend and apply to the case of proceedings under this Act.

14. *Notice of warrant in Gazette.* Within one month after the warrant is issued by the Board of Trade they shall give notice thereof in the Gazette.

15. *Compensation for extension of time.* Justices, arbitrators, umpires, and juries, in estimating the compensation to be made by the company to the owners or occupiers of or persons interested in lands, shall have regard to and make compensation for the additional damage (if any) sustained by those owners, occupiers, or persons by reason of any extension of time under this Act.

16. *Saving for contracts and notices before Act.* Where, before the passing of this Act, a contract has been entered into by a company for the taking of lands for their railway or works, this Act shall not authorize, as regards those lands, any extension of the time limited for the purchase of lands; and every such contract shall continue to have effect as if this Act had not been passed.

#### THE SCHEDULE.

*Form of Circular and of Assent or Dissent.*

The Railways (Extension of Time) Act, 1868.

The — Company.

An extraordinary Meeting of the shareholders of this company will be held at — on the — day of — at — o'clock, for the purpose of determining whether or not an application shall be made to the Board of Trade, under the above-mentioned Act, for an extension of the time limited by (state the Act or Acts limiting the time proposed to be extended) for (state the matter to which the limitation relates).

You are requested to signify your assent to or dissent from the proposed application, by writing in the 4th column of the following table the word assenting or dissenting, as the case may be, and signing your name thereunder, and by returning this circular, so filled up and signed, to me, so that I shall receive the same on or before the day next preceding the day of meeting, but if your assent or dissent is not received at latest on the day next preceding the day of the meeting it will not be computed.

| Name of Railway. | Name of Shareholder. | Amount of Share Capital held by him. | Whether assenting or dissenting. |
|------------------|----------------------|--------------------------------------|----------------------------------|
| •                | •                    | •                                    | †                                |
|                  |                      |                                      | (Signed) _____                   |

(Signed)

Secretary.

#### CAP. XIX.

An Act for declaring valid certain Orders of Her Majesty in Council relating to the Ecclesiastical Commissioners for England and to the Deans and Chapters of certain Churches. [29th May, 1868.

\* The secretary will insert these particulars.

† In this column the shareholder will write the word assenting or dissenting, as the case may be, and sign his name thereunder.

#### CAP. XX.

An Act to enable Persons in Ireland to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

[29th May, 1868.

"Whereas it is expedient to extend to Ireland the provisions of the Legitimacy Declaration Act, 1858, which enables persons to establish their Legitimacy, and the marriage of their parents and others from whom they may be descended, and which also enables persons to establish their right to be deemed natural-born subjects by application to the Court for Divorce and Matrimonial causes in England:"

Be it therefore enacted, &c.

1. *Application to Probate Court in Ireland for declaration of Legitimacy.* Any natural-born subject of the Queen, or any person whose right to be deemed a natural-born subject depends wholly or in part on his Legitimacy, being domiciled in England or Ireland, or claiming any real or personal estate situate in Ireland, may apply by petition to the Court of Probate in Ireland, praying for a decree that the petitioner is the legitimate child of his parents, and that the marriage of his Father and Mother, or of his Grandfather and Grandmother, was a valid marriage, or for a decree declaring either of the matters aforesaid; and any such subject or person being domiciled or claiming as aforesaid may in like manner apply to such Court for a decree declaring that his marriage was or is a valid marriage; and such court shall have jurisdiction to hear and determine such application, and to make such decree declaratory of the legitimacy or illegitimacy of such person, or of the validity or invalidity of such marriage, as to the Court may seem just; and such decree, except as hereinafter mentioned, shall be binding to all intents and purposes on her Majesty and on all persons whomsoever.

2. *Application to the Court for declaration of right to be deemed a natural-born subject.* Any person being so domiciled or claiming as aforesaid may apply by petition to the said Court for a decree declaratory of his right to be deemed a natural-born subject of Her Majesty, and the said court shall have jurisdiction to hear and determine such application, and to make such decree thereon as to the Court may seem just; and where such application as last aforesaid is made by the person making such application as herein mentioned for a decree declaring his legitimacy or the validity of a marriage, both applications may be included in the same petition; and every decree made by the said Court shall, except as hereinafter mentioned, be valid and binding, to all intents and purposes, upon Her Majesty and all persons whomsoever.

3. *Petition to be accompanied by affidavit as court directs.* Every petition under this Act shall be accompanied by such affidavit verifying the same and of the absence of collusion, as the Court may by any general rule direct.

4. 20 & 21 Vict. c. 79. and 22 & 23 Vict. c. 31, to apply to proceedings under this Act. All the provisions of the Acts "The Probates and Letters of Administration Act (Ireland), 1857," and "The Court of Probate Act (Ireland), 1859," so far as the same may be requisite and applicable, and the powers and provisions therein contained as to practice, procedure, and right of appeal, and the making and ratifying rules and regulations for the same, and fixing the fees payable upon proceedings before the Court, and in respect of the summoning and enforcing the attendance of juries, shall respectively extend to applications and proceedings under this Act, as if the same had been originally authorised by the said Acts respectively.

5. *Power to award and enforce payment of costs.* In all proceedings under this Act the said Court shall have full power to award and enforce payment of costs to any person cited, whether such person shall or shall not oppose the declaration applied for, in case such Court shall deem it reasonable that such costs shall be paid.

6. *Attorney-General to have a copy of petition one month before filed, and to be a respondent.* A copy of every petition under this Act, and of the affidavit accompanying the same, shall one month at least previously to the presentation or filing of such petition be delivered to her Majesty's Attorney-General for Ireland, who shall be a respondent upon the hearing of such petition, and upon every subsequent proceeding relating thereto.



7. *Court may require persons to be cited.*] Where any application is made under this Act to the said Court, such person or persons (if any) besides the said Attorney-General as the Court shall think fit shall, subject to the rules made under this Act or applicable thereto, be cited to see proceedings or otherwise summoned in such manner as the Court shall direct, and may be permitted to become parties to the proceedings, and oppose the application.

8. *Saving of rights of persons not cited.*] The decree of the said Court shall not in any case prejudice any person, unless such person has been cited or made a party to the proceedings, or is the heir-at-law or next of kin, or other real or personal representative of, or derives title under or through, a person so cited or made a party; nor shall such decree of the Court prejudice any person, if the same be subsequently proved to have been obtained by fraud or collusion.

9. *Proceedings not to affect judgments, &c. already pronounced.*] No proceeding to be had under this Act shall affect any final judgment or decree already pronounced or made by any Court of competent jurisdiction.

10. *Interpretation clause.*] In the construction of this Act the words "person" and "subject" shall include parties cited as respondents as well as petitioners, and shall comprise all of a class claiming or deriving in the same right, who would as children or grandchildren or in their own persons be comprehended within the term "issue."

11. 20 & 21 Vict. c. 79, 22 & 23 Vict. c. 31, and this Act to be read together.] The said two Acts of 1857 and 1859 so regulating the Court of Probate in Ireland, and this Act, shall be construed together as one Act, and this Act may be cited for all purposes as "The Legitimacy Declaration Act, 1868."

#### CAP. XXI.

An Act to provide Compensation to Officers of certain discontinued Prisons. [29th May, 1868.]

Whereas by "The Prison Act, 1865," certain prisons mentioned in the 2nd schedule to the said Act are directed to be discontinued: And whereas by the 72nd section of the said Act the justices in sessions assembled are empowered to award compensation to any person deprived of any salary or emolument by the discontinuance of any of the said prisons: And whereas it is expedient to extend the power of awarding compensation to all cases in which prisons are discontinued."

Be it enacted, &c.

1. *Short title.*] This Act may be cited for all purposes as "The Prison Officers Compensation Act, 1868."

2. *Construction of Act.*] This Act shall be construed as one with The Prisons Act, 1865.

3. *Compensation to officers of all discontinued prisons.*] The justices in sessions assembled having jurisdiction over any such discontinued prison as is hereinafter mentioned may allow such compensation or superannuation as they think fit to any person who, by reason of the discontinuance of such prison, is deprived of any salary or emolument, so that no such compensation or superannuation allowance exceed the proportion of the salary or emolument which might be granted under similar circumstances to a person in the civil service under the Acts for regulating such compensations or superannuation allowances for the time being in force; and any compensation or superannuation allowance so allowed shall be paid out of any rates or property applicable to the payment of the salaries of the officers of such prison before the discontinuance thereof, subject to this proviso, that when the power to levy such rates or such property is vested in a different body from the justices, the consent of such last-mentioned body shall be obtained to the amount of compensation or superannuation allowance allowed.

Discontinued prison shall for the purposes of this section mean any prison other than the prisons specified in the second schedule to the said Prisons Act which has ceased to be used as a prison since the date of the passing of the said Prisons Act, 1865, or which may hereafter cease to be used as a prison.

4. *As to expression "Justices in sessions assembled."*] The

expressions justices in sessions assembled shall in this Act mean as follows: that is to say,

1. As respects any prison belonging to any county, except as hereinafter mentioned, or to any riding, division, hundred or liberty of a county, having a separate court of quarter sessions, the justices in quarter sessions assembled:
2. As respects any prison belonging to any county divided into ridings or divisions, and maintained at the common expense of such ridings or divisions, the justices of the county assembled at gaol sessions:
3. As respects any prison belonging to the city of London or the liberties thereof, the court, of the Lord Mayor and Aldermen:
4. As respects any prison belonging to any municipal borough, the justices of the borough assembled at sessions to be held by them at the usual time of holding quarterly sessions of the peace, or at such other time as they may appoint:
5. As respects any prison belonging to any city, district, borough, or town having a separate prison jurisdiction, and not hereinbefore mentioned, the justices or other persons having power at law to make rules for the government of such prison.

#### CAP. XXII.

An Act to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for trial.

[29th May, 1868.]

"Whereas it is expedient to amend the law relating to places for holding petty sessions and to lock-up houses for the temporary confinement of persons taken into custody and not yet committed for trial:"

Be it therefore enacted, &c.

1. *Short Title.*] This Act may be cited for all purposes as "The Petty Sessions and Lock-up House Act, 1868."

2. *Application of Act.*] This Act shall not apply to Scotland or Ireland.

3. *Interpretation of terms.*] For the purposes of this Act,—

"Petty sessions" shall include "special sessions," and "quarter sessions" shall include "general sessions:" "borough" shall mean any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy six, intitled an Act to provide for the regulation of municipal corporations in England and Wales:

"Local authority" shall mean,—

In any county, parts, liberty, or division of a county having a separate commission of the peace,—the justice in quarter sessions assembled;

In any borough having a separate commission of the peace,—the council of the borough.

4. *Power to two or more authorities to agree for common sessions house.*] Two or more local authorities may, with the approval of one of her Majesty's principal Secretaries of State, contract that a place for the holding of petty sessions by each of such authorities shall be provided at the joint expense of such authorities in such manner and proportions as in the said contract mentioned.

5. *Power to local authority to contract for sessions house.*] Where any local authority is in possession of a convenient building for holding petty sessions or for transacting business authorized by any Act of Parliament to be performed by justices out of petty sessions, any neighbouring local authority may contract with such former authority for the use, by themselves, of such building for such purposes or any of them, and may use the same accordingly.

6. *Power to local authorities to contract for lock-up houses.*] Any local authority may, with the approval of one of her Majesty's principal Secretaries of State, contract with any neighbouring local authority for the reception by such authority into their lock-up house, and the custody and maintenance therein, of any person who would otherwise be liable to be placed in a lock-up house situate within the jurisdiction of the former authority.

7. *Contracts may include cost of conveyance.*] Any contract entered into between any local authorities for the reception into and custody in the lock-up house of one authority of persons belonging to the jurisdiction of the other authority may include the costs of conveying such persons to and from such lock-up houses previously to their committal for trial, and also the cost of conveying them to prison when committed for trial.

8. *Petty sessions houses and lock-ups to be deemed to be within the jurisdiction of contracting local authorities.*] Where any contract has been made by any two or more local authorities, in pursuance of this Act in relation to any place for holding petty sessions, or for transacting business to be performed by justices out of petty sessions, such place for all purposes of and incidental to the holding of petty sessions and of the orders to be made and the other business to be transacted thereat, shall be deemed to be within the jurisdiction of each of such authorities respectively, and where any contract has been made by any two or more local authorities in pursuance of this Act, in relation to any lock-up house, such lock-up house for all purposes and incidental to the power to detain therein and remand thereto, and to convey thereto and therefrom, persons taken into custody and for all other purposes of a lock-up house, shall be deemed to be within the jurisdiction of each of such authorities respectively.

9. *Expenses how to be provided.*] All expenses payable by one local authority to another in pursuance of any contract made in pursuance of this Act shall be raised and defrayed in the same manner as such expenses would have been raised and defrayed if they had been incurred for the purposes of and in relation to the subject-matter of such contract by and within the jurisdiction of the authority that has contracted the same.

10. *Effect of approval of Secretary of State and evidence of transactions.*] The approval of one of her Majesty's principal Secretaries of State, when given to any contract made in pursuance of this Act, shall be conclusive evidence that such contract is within, and has been duly made in pursuance of, the provisions of this Act; and a copy of the *London Gazette*, purporting to contain an announcement of any of the following facts:—

1. That a common lock-up house has been established for the reception of persons taken into custody within any two or more jurisdictions, and not yet committed for trial:
2. That a place has in pursuance of this Act been constituted a place for holding the petty sessions of particular petty sessional divisions, or for transacting business to be performed by justices out of petty sessions:
3. That a lock-up house situate in any particular place has been partly appropriated for the reception of persons who would otherwise be liable to be placed in a lock-up house situated within some other jurisdiction:

shall be evidence of the facts stated in such announcement.

11. *Power of local authority to form committee of its own members and others.*] Any local authority may form a committee consisting of two or more of its members, and may delegate to such committee all or any powers conferred on them by this Act, and may from time to time revoke or alter any power so given to such committee.

A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as they think proper. Every question at a meeting shall be determined by a majority of votes of the members present, and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst its members, or, in case of a county, by the termination of the sessions by which they were appointed.

12. *Powers under this Act to be in addition to powers under other Acts.*] All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by any other Act of Parliament, and any such other powers may be exercised as if this Act had not passed.

## CAP. XXIII.

An Act to render valid marriages heretofore solemnized in the Chapel of Ease of Frampton Mansel in the Parish of Sapperton in the county of Gloucester.

[29th May, 1868.]

## CAP. XXIV.

An Act to provide for carrying out of Capital Punishment within Prisons.

[29th May, 1868.]

“Whereas it is expedient that capital punishments should be carried into effect within prisons:—

Be it enacted, &c.

1. *Short Title.*] This Act may be cited for all purposes as “The Capital Punishment Amendment Act, 1868.”

2. *Judgment of death to be executed within walls of prison.*] Judgment of death to be executed on any prisoner sentenced after the passing of this Act on any indictment or inquisition for murder shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution.

3. *Sheriff, &c., to be present.*] The sheriff charged with the execution, and the gaoler, chaplain, and surgeon of the prison, and such other officers of the prison as the sheriff requires, shall be present at the execution.

Any justice of the peace for the county, borough, or other jurisdiction to which the prison belongs, and such relatives of the prisoner or other persons as it seems to the sheriff or the visiting justices of the prison proper to admit within the prison for the purpose, may also be present at the execution.

4. *Surgeon to certify death; and declaration to be signed by sheriff, &c.*] As soon as may be after judgment of death has been executed on the offender, the surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the sheriff.

The sheriff and the gaoler and chaplain of the prison, and such justices and other persons present (if any) as the sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

5. *Coroner's inquest on body.*] The coroner of the jurisdiction to which the prison belongs, wherein judgment of death is executed on any offender, shall within twenty-four hours after the execution hold an inquest on the body of the offender, and the jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the sheriff.

No officer of the prison, or prisoner confined therein, shall in any case be a juror on the inquest.

6. *Burial of body.*] The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him; provided that if one of her Majesty's principal Secretaries of State is satisfied on the representation of the visiting justices of a prison that there is not convenient space within the walls thereof for the burial of offenders executed therein, he may, by writing under his hand, appoint some other fit place for that purpose, and the same shall be used accordingly.

7. *Power to Secretary of State to make rules, &c., to be observed on execution of judgment of death.*] One of her Majesty's principal Secretaries of State shall from time to time make such rules and regulations to be observed on the execution of judgment of death in every prison as he may from time to time deem expedient for the purpose, as well of guarding against any abuse in such execution, as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

8. *Such rules to be laid before Parliament.*] All such rules and regulations shall be laid upon the tables of both houses of Parliament within six weeks after the making thereof, or if Parliament be not then sitting within fourteen days after the next meeting thereof.

9. *Penalty for signing false certificate, &c.*] If any person knowingly and wilfully signs any false certificate or declaration required by this Act, he shall be guilty of a misde-

meanour, and on conviction thereof shall be liable, at the discretion of the Court, to imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

10. *Certificate, &c., to be sent to Secretary of State, and exhibited on or near entrance to prison.* Every certificate and declaration, and the duplicate of the inquisition required by this Act, shall in each case be sent with all convenient speed by the sheriff to one of her Majesty's principal Secretaries of State, and printed copies of the same several instruments shall as soon as possible be exhibited and shall for twenty-four hours at least be kept exhibited on or near the principal entrance of the prison within which judgment of death is executed.

11. *Provisions as to duties and powers of sheriff, &c., extended.* The duties and powers by this Act imposed on or vested in the sheriff may be performed by and shall be vested in his under sheriff or other lawful deputy acting in his absence and with his authority, and any other officer charged in any case with the execution of judgment of death.

The duties and powers by this Act imposed on or vested in the gaoler of the prison may be performed by and shall be vested in the deputy gaoler (if any) acting in his absence and with his authority, and (if there is no officer of the prison called the gaoler) by the governor, keeper, or other chief officer of the prison and his deputy (if any) acting as aforesaid.

The duties and powers by this Act imposed on or vested in the surgeon may be performed by and shall be vested in the chief medical officer of the prison (if there is no officer of the prison called the surgeon).

The duties by this Act imposed on the chaplain may, in the absence of the chaplain, be performed by the assistant-chaplain or other person acting in place of the chaplain.

12. *Forms in schedule.* The forms given in the schedule to this Act, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained.

13. *Modifications of Act in Scotland.* This Act shall apply to Scotland, with the modifications following, viz., The expression "judgment of death" shall mean "sentence of death" pronounced by any competent Court. "Indictment" shall include "criminal letters."

Any duty appointed to be performed to or by, or any power given to, a sheriff in England, shall in Scotland be performed to or by, or be exercised by, the Lord Provost, or provost and other magistrates charged with seeing the sentence of death carried into effect, or by any one of their number specially named by the others for that purpose.

The expression "the visiting justices of the prison" shall in Scotland mean the members of the county prison board, acting under the provisions of 23 & 24 Vict. c. 105.

In lieu of the provisions contained in the sixth section hereof, the procurator fiscal of the jurisdiction within which the prison is situated wherein sentence of death is executed on any offender, shall within twenty-four hours after the execution, hold a public inquiry before the sheriff or sheriff substitute of the county, on the body of the offender, and in particular shall inquire into and ascertain the identity of the body, and whether sentence of death was duly executed on the offender; and the report of deliverance of the sheriff or sheriff substitute shall be in duplicate, and one of the originals shall be delivered to the Lord Provost or provost, or magistrates or magistrate, charged with seeing the sentence of death carried into effect.

The expression "a misdemeanour" shall mean "a crime and offence."

The expression "a duplicate of the inquisition" in the tenth section hereof shall mean "the duplicate of the report or deliverance of the sheriff or sheriff substitute."

14. *Application of Act to Ireland.* In the application of this Act to Ireland the expressions "Chief Secretary to the Lord Lieutenant," the "board of superintendence," shall be substituted for the expressions "one of her Majesty's principal Secretaries of State," and "visiting justices," respectively.

15. *Saving clause as to legality of execution.* The omission to comply with any provision of this Act shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

16. *General saving.* Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Act had not passed.

#### THE SCHEDULE

##### *Certificate of Surgeon.*

I, A. B., the surgeon [or as the case may be] of the [describe prison], hereby certify that I this day examined the body of C. D., on whom judgment of death was this day executed in the [describe same prison]; and that on that examination I found that the said C. D. was dead.

Dated this — day of — (Signed) A. B.

##### *Declaration of Sheriff and others.*

We, the undersigned, hereby declare that judgment of death was this day executed on C. D. in the [describe prison] in our presence.

Dated this — day of —  
(Signed) E.F., Sheriff of —  
L.M., Justice of the peace for —  
G.H., Gaoler of —  
J.K., Chaplain of —  
&c., &c.

#### CAP. XXV.

An Act to extend the Industrial Schools Act to Ireland. [29th May, 1868.]

#### CAP. XXVI.

An Act to enable certain Guaranteed Indian Railway Companies to raise Money on Debenture Stock. [29th May, 1868.]

#### CAP. XXVII.

An Act for raising the Sum of One million six hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first day of March One thousand eight hundred and sixty-nine. [29th May, 1868]

#### CAP. XXVIII.

An Act to grant certain Duties of Customs and Income Tax. [29th May, 1868.]

#### CAP. XXIX.

An Act to amend the Law relating to Medical Practitioners in the Colonies. [29th May, 1868.]

#### CAP. XXX.

An Act to amend the Act of the Seventh and Eighth Years of the Reign of Victoria, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland, and to repeal the Act of the Twenty-ninth and Thirtieth Years of the Reign of Victoria, Chapter Seventy-seven. [29th May, 1868.]

#### CAP. XXXI.

An Act to amend the Act passed in the Session of Parliament held in Ireland in the Thirty-ninth year of the Reign of His Majesty King George the Third intitled An Act for the better Regulation of Stock-brokers. [25th June, 1868.]

*Short Title.* The Stock-brokers (Ireland) Act, 1868.

#### CAP. XXXII.

An Act for annexing Conditions to the appointment of Persons to Offices in certain Schools. [25th June, 1868.]

#### CAP. XXXIII.

An Act for the Collection and Publication of Cotton Statistics. [25th June, 1868.]



## CAP. XXXIV.

An Act to alter some Provisions in the existing Acts as to Registration of Writs in certain Registers in Scotland. [25th June, 1868.]

## CAP. XXXV.

An Act to extend the Provision in "The Duchy of Cornwall Management Act, 1863," relating to permanent Improvements. [25th June, 1868.]

## CAP. XXXVI.

An Act to make perpetual the Alkali Act, 1863. [25th June, 1868.]

## CAP. XXXVII.

An Act to amend the Law relating to Documentary Evidence in certain Cases. [25th June, 1868.]

"Whereas it is expedient to amend the law relating to evidence :—

Be it enacted, &c.

1. *Short title.*] This Act may be cited for all purposes as "The Documentary Evidence Act, 1868."

2. *Mode of proving certain documents.*] *Prima facie* evidence of any proclamation, order, or regulation issued before or after the passing of this Act by her Majesty, or by the Privy Council, also of any proclamation, order, or regulation issued before or after the passing of this Act by or under the authority of any such department of the Government or officer as is mentioned in the first column of the schedule hereto, may be given in all courts of justice, and in all legal proceedings whatsoever, in all or any of the modes herein-after mentioned ; that is to say :

- (1.) By the production of a copy of the Gazette purporting to contain such proclamation, order or regulation.
- (2.) By the production of a copy of such proclamation, order, or regulation purporting to be printed by the government printer, or where the question arises in a court in any British Colony or possession, of a copy purporting to be printed under the authority of the legislature of such British Colony or possession.
- (3.) By the production, in a case of any proclamation, order, or regulation issued by her Majesty or by the Privy Council, of a copy or extract purporting to be certified to be true by the clerk of the Privy Council or by any one of the Lords or others of the Privy Council, and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said schedule in connexion with such department or officer.

Any copy or extract made in pursuance of this Act may be in print or in writing, or partly in print and partly in writing.

No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, or regulation.

3. *Act to be in force in colonies.*] Subject to any law that may be from time to time made by the legislature of any British colony or possession, this Act shall be in force in every such colony and possession.

4. *Punishment of forgery.*] If any person commits any of the offences following, that is to say,—

- (1.) Prints any copy of any proclamation, order, or regulation which falsely purports to have been printed by the government printer, or to be printed under the authority of the legislature of any British colony or possession, or tenders in evidence any copy of any proclamation, order, or regulation which falsely purports to have been printed as aforesaid, knowing that the same was not printed : or,
  2. Forges or tenders in evidence, knowing the same to have been forged, any certificate by this Act authorized to be annexed to a copy of or extract from any proclamation, order, or regulation ;
- he shall be guilty of felony, and shall on conviction be liable to be sentenced to penal servitude for such term as is

prescribed by the Penal Servitude Act, 1864, as the least term to which an offender can be sentenced to penal servitude, or to be imprisoned for any term not exceeding two years, with or without hard labour.

5. *Definition of terms.*] The following words shall in this Act have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction ; (that is to say,)

"*British colony and possession.*" ] "British colony and possession" shall for the purposes of this Act include the Channel Islands, the Isle of Man, and such territories as may for the time being be vested in her Majesty by virtue of any Act of Parliament for the government of India and all other her Majesty's dominions.

"*Legislature.*" ] "Legislature" shall signify any authority other than the Imperial Parliament or her Majesty in council competent to make laws for any colony or possession.

"*Privy Council.*" ] "Privy Council" shall include her Majesty in council and the lords and others of her Majesty's Privy Council, or any of them, and any committee of the Privy Council that is not specially named in the schedule hereto.

"*Government printer.*" ] "Government printer" shall mean and include the printer to her Majesty and any printer purporting to be the printer authorized to print the statutes, ordinances, Acts of State, or other public Acts of the legislature of any British colony or possession, or otherwise to be the government printer of such colony or possession.

"*Gazette.*" ] "Gazette" shall include the *London Gazette*, the *Edinburgh Gazette*, and the *Dublin Gazette*, or any of such Gazettes.

6. *Act to be cumulative.*] The provisions of this Act shall be deemed to be in addition to, and not in derogation of, any powers of proving documents given by any existing statute or existing at common law.

## SCHEDULE.

| Column 1.  | Column 2.  |
|--|--|
| Name of Department or Officer.                                   | Names of Certifying Officers.  |
| The Commissioners of the Treasury.                               | Any Commissioner, Secretary, or Assistant Secretary of the Treasury.   |
| The Commissioners for executing the Office of Lord High Admiral. | Any of the Commissioners for executing the Office of Lord High Admiral or either of the Secretaries to the said Commissioners. |
| Secretaries of State.  | Any Secretary or Under-Secretary of State.   |
| Committee of Privy Council for Trade.                            | Any Member of the Committee of Privy Council for Trade, or any Secretary or Assistant Secretary of the said Committee.         |
| The Poor Law Board.  | Any Commissioner of the Poor-Law Board, or any Secretary or Assistant-Secretary of the said Board.                             |

## CAP. XXXVIII.

An Act for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India. [25th June, 1868.]

## CAP. XXXIX.

An Act to give Relief to Jurors who may refuse or be unwilling from alleged conscientious Motives to be sworn in Civil or Criminal Proceedings in Scotland. [25th June, 1868.]

## CAP. XL.

## An Act to amend the Law relating to Partition.

[25th June, 1868.]

Be it enacted, &amp;c.

1. *Short title.*] This Act may be cited as "The Partition Act, 1868."

2. *As to the term "the Court."*] In this Act the term "the Court" means the Court of Chancery in England, the Court of Chancery in Ireland, the Landed Estates Court in Ireland, and the Court of Chancery of the County Palatine of Lancaster, within their respective jurisdictions.

3. *Power to Court to order sale instead of division.*] In a suit for partition, where, if this Act had not been passed, a decree for partition might have been made, then if it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of the parties interested or presumptively interested therein, or of the absence or disability of some of those parties, or of any other circumstance, a sale of the property and a distribution of the proceeds would be more beneficial for the parties interested than a division of the property between or among them, the Court may, if it thinks fit, on the request of any of the parties interested, and notwithstanding the dissent or disability of any others of them, direct a sale of the property accordingly, and may give all necessary or proper consequential directions.

4. *Sale on application of certain proportion of parties interested.*] In a suit for partition, where, if this Act had not been passed, a decree for partition might have been made, then if the party or parties interested, individually or collectively, to the extent of one moiety or upwards in the property to which the suit relates, request the Court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the Court shall, unless it sees good reason to the contrary, direct a sale of the property accordingly, and give all necessary or proper consequential directions.

5. *As to purchase of share of party desiring sale.*] In a suit for partition, where, if this Act had not been passed, a decree for partition might have been made, then if any party interested in the property to which the suit relates requests the Court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the Court may, if it thinks fit, unless the other parties interested in the property, or some of them, undertake to purchase the share of the party requesting a sale, direct a sale of the property, and give all necessary or proper consequential directions, and in case of such undertaking being given the Court may order a valuation of the share of the party requesting a sale in such manner as the Court thinks fit, and may give all necessary or proper consequential directions.

6. *Authority for parties interested to bid.*] On any sale under this Act the Court may, if it thinks fit, allow any of the parties interested in the property to bid at the sale, on such terms as to non-payment of deposit, or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, or as to any others matters, as to the Court seem reasonable.

7. *Application of Trustee Act (13 & 14 Vict. c. 60).*] Section 30 of the Trustee Act, 1850, shall extend and apply to cases where, in suits for partition, the Court directs a sale instead of a division of the property.

8. *Application of proceeds of sale.* (19 & 20 Vict. c. 120.)] Sections 23 to 25 (both inclusive) of the Act of the session of the 19th and 20th years of her Majesty's reign (chapter 120), "to facilitate leases and sales of settled estates," shall extend and apply to money to be received on any sale effected under the authority of this Act.

9. *Parties to partition suits.*] Any person who, if this Act had not been passed, might have maintained a suit for partition may maintain such suit against any one or more of the parties interested, without serving the other or others (if any) of those parties; and it shall not be competent to any defendant in the suit to object for want of parties; and at the hearing of the cause the Court may direct such inquiries as to the nature of the property, and the persons interested therein, and other matters, as it thinks necessary

or proper with a view to an order for partition or sale being made on further consideration; but all persons who, if this Act had not been passed, would have been necessary parties to the suit, shall be served with notice of the decree or order on the hearing, and after such notice shall be bound by the proceedings as if they had been originally parties to the suit, and shall be deemed parties to the suit; and all such persons may have liberty to attend the proceedings; and any such person may, within a time limited by general orders, apply to the Court to add to the decree or order.

10. *Costs in partition suits.*] In a suit for partition the Court may make such order as it thinks just respecting costs up to the time of the hearing.

11. *As to general orders under this Act (21 & 22 Vict. c. 27).*] Sections 9, 10, and 11 of the Chancery Amendment Act, 1858, relative to the making of general orders, shall have effect as if they were repeated in this Act, and in terms made applicable to the purposes thereof.

12. *Jurisdiction of county courts in partition (28 & 29 Vict. c. 99).*] In England the county courts shall have and exercise the like power and authority as the Court of Chancery in suits for partition (including the power and authority conferred by this Act) in any case where the property to which the suit relates does not exceed in value the sum of £500, and the same shall be had and exercised in like manner and subject to the like provisions as the power and authority conferred by section 1 of the County Courts Act, 1865.

## CAP. XLI.

## An Act to make Provision in the Case of Boroughs ceasing to return Members to serve in Parliament respecting Rights of Election which have been vested in Persons entitled to vote for such Members.

[13th July, 1868.]

"Whereas in certain boroughs in England the persons entitled to vote for members to serve in Parliament for such boroughs are electors for other purposes, and it is expedient to make provision respecting electors for those purposes in the case of boroughs which will cease to return members after the next dissolution of Parliament:"

Be it enacted, &amp;c.

1. *Short title.*] This Act may be cited as "The Borough Electors Act, 1868."

2. *Interpretation of terms.*] In this Act—

The terms "Parliamentary borough" and "Parliamentary electors" mean respectively a borough which prior to the passing of "The Representation of the People Act 1867," returned a member or members to serve in Parliament, and the persons for the time being entitled to vote for such members or member:

The term "municipal borough" means a place subject to the provisions of the Act of the session of the 5th and 6th years of the reign of his Majesty William the 4th, chapter 76, intitled "An Act to provide for the Regulation of Municipal Corporations in England and Wales:"

The term "burgesses" means the persons on the Burgess Roll for the time being in force in a municipal borough.

3. *On parliamentary electors ceasing to return members in pursuance of 30 & 31 Vict. c. 102, municipal burgesses substituted.*] Wherever the parliamentary electors in any place in England, where there is both a municipal and parliamentary borough, are by law electors for any other purpose, and the parliamentary borough in pursuance of "The Representation of the People Act, 1867," or of any Act passed in the present session, will cease after the next dissolution of Parliament to return a member to serve in parliament, the burgesses of the municipal borough shall be electors for such purpose, and shall in all respects, so far as regards such purpose, be substituted for the parliamentary electors.

## CAP. XLII.

## An Act to amend the Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Fifty, by abolishing the Rate imposed by the said Act on all Occupiers of Premises within the extended Municipal Boundaries of the City of Edinburgh.

[13th July, 1868.]

## CAP. XLIII.

An Act for extending the Provisions of The Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the Powers of the Metropolitan Board of Works in relation to Loans under that Act. [13th July, 1868.

## CAP. XLIV.

An Act for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes. [13th July, 1868.

"Whereas it is expedient to afford greater facilities for the acquisition and enjoyment by societies or bodies of persons associated together for religious, educational, literary scientific, or other like charitable purposes, of buildings and pieces of land as sites for buildings for such purposes:"

Be it therefore enacted, &c.

1. *Grants of land for buildings for religious and certain other purposes to be exempt from 9 G. 2. c. 36, and sect. 2. of 24 & 25 Vict. c. 9.]* All alienations, grants, conveyances, leases, assurances, surrenders, or other dispositions, except by will, *bona fide* made after the passing of this Act, to a trustee or trustees, on behalf of any society or body of persons associated together for religious purposes, or for the promotion of education, arts, literature, science, or other like purposes, of land, for the erection thereon of a building for such purposes or any of them, or whereon a building used or intended to be used for such purposes or any of them shall have been erected, shall be exempt from the provisions of an Act passed in the ninth year of the reign of King George the Second, and intitled an Act to restrain the disposition of lands whereby the same become unalienable, and also from the provisions of the second section of an Act passed in the twenty-fourth year of the reign of her present Majesty, intitled an Act to amend the law relating to the conveyance of land for charitable uses: provided that such alienation, grant, conveyance, lease, assurance, surrender, or other disposition shall have been really and *bona fide* made for a full and valuable consideration actually paid upon or before the making of such alienation, grant, conveyance, lease, assurance, surrender, or other disposition, or reserved by way of rent, rentcharge, or other annual payment, or partly paid and partly reserved as aforesaid, without fraud or collusion, and provided that each such piece of land shall not exceed two acres in extent on area in each case.

2. *Trustees may cause deeds to be enrolled in chancery.]* Provided always, that the trustee or trustees of any deed or instrument by which any such alienation, grant, conveyance, lease, assurance, surrender, or disposition shall have been made, or the trusts thereof declared, may, if he or they shall think fit, at any time cause such deed or instrument to be enrolled in her Majesty's High Court of Chancery

3. *Deed need not be acknowledged in order to enrolment.]* From and after the passing of this Act it shall not be necessary to acknowledge any deed or instrument in order that the same may be enrolled in her Majesty's High Court of Chancery.

## CAP. XLV.

An Act to carry into effect a Convention between Her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea Fisheries. [13th July, 1868.

## CAP. XLVI.

An Act to settle and describe the Limits of certain Boroughs and the Divisions of certain Counties in England and Wales, in so far as respects the Election of Members to serve in Parliament. [13th July, 1868.

## CAP. XLVII.

An Act to amend "The Consecration of Churchyards Act, 1867." [13th July, 1868.

30 & 31 Vict. c. 133.] "Whereas it is expedient that the

Consecration of Churchyards Act, 1867, should be amended as hereinafter mentioned:"

Be it enacted &c.

1. *Giver of land may reserve exclusive right to extent of one-sixth.]* That in all cases where by the said Act the giver of any land to be added to a consecrated churchyard is empowered to reserve the exclusive right in perpetuity of burial, and of placing monuments and gravestones, in a part of the land so added not exceeding fifty square yards or one-sixth of the whole of the said land, in the manner and subject to the conditions and restrictions in the said Act mentioned, it shall be lawful for the giver of such land to reserve such exclusive right as aforesaid in a part of the land so added not exceeding one-sixth of the whole of the said land, subject to the restrictions and conditions and in the manner and for the purposes in the said Act mentioned, and the said Act shall be read as if in the 9th section thereof the words "not exceeding one-sixth part of the whole of the said land" were substituted for the words "not exceeding fifty square yards or one-sixth of the whole of the said land:" provided always, that all powers with regard to the placing or erection of monuments and gravestones in churchyards which before the passing of the said Act by law pertained to the bishop of the diocese, or to any person acting under his authority, shall remain in full force in respect to the land in which such exclusive right shall have been reserved as aforesaid.

2. *Revised Act to apply to burial grounds to unions.]* The provisions of the said Act shall apply to burial grounds attached or belonging to union houses in England and Wales.

## CAP. XLVIII.

An Act for the Amendment of the Representation of the People in Scotland. [13th July, 1868.

## CAP. XLIX.

An Act to amend the Representation of the People in Ireland. [13th July, 1868.

## CAP. L.

An Act to amend the Acts for the Administration of Prisons in Scotland in so far as regards the County of Lanark; and for other purposes. [13th July, 1868.

## CAP. LI.

An Act to amend the Law relating to Fairs in England and Wales. [13th July, 1868.

Whereas it is expedient to make provision to facilitate the alteration of the days upon which fairs are now held in England and Wales:

Be it enacted, &c.

1. *Short title.]* This Act may be cited as "The Fairs Act, 1868."

2. *Interpretation.]* In this Act the term "owner" means any person or persons, or body of commissioners or body corporate, entitled to hold any fair, whether in respect of the ownership of any lands or tenements, or under any charter, letters patent, or Act of Parliament, or otherwise howsoever.

3. *Secretary of State to have power to alter days for holding fairs, on representation made to him. Notice of representation to be published in certain newspapers.]* In case it shall appear to the Secretary of State for the Home Department, upon representation duly made to him by the magistrates of any petty sessional district within which any fair is held, or by the owner of any fair in England or Wales, that it would be for the convenience and advantage of the public that any such fair shall be held in each year on some day or days other than that or those on which such fair is used to be held, it shall be lawful for the said Secretary of State for the Home Department to order that such fair shall be held on such other day or days as he shall think fit: provided always, that notice of such representation, and of the time when it shall please the Secretary of State for the Home Department to take the same into consideration, shall be published once in the London Gazette and in three successive weeks in some one and the same newspaper published in the county,



city, or borough in which such fair is held, or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto, before such representation is so considered.

4. *Order of Secretary of State to be published in certain newspapers.* All rights, &c., of owner to remain good.] When and so soon as any such order as aforesaid shall have been made by the Secretary of State for the Home Department, notice of the making of the same shall be published in the London Gazette and in some one newspaper of the county, city, or borough in which such fair is usually held, or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto; and thereupon such fair shall only be held on the day or days or at the place mentioned in such order; and it shall be lawful for the owner of such fair to take all such toll or tolls, and to do all such act or acts, and to enjoy all and the same rights, powers and privileges in respect thereof, and enforce the same by all and the like remedies, as if the same were held on the day or days upon which or at the place at which it was used to be held previous to the making of such order.

## CAP. LII.

An Act to amend the Act for punishing idle and disorderly Persons, and Rogues and Vagabonds, so far as relates to the Use of Instruments of Gaming.  
[13th July, 1868.]

“Whereas it is expedient to amend an Act passed in the fifth year of the reign of his Majesty King George the Fourth, chapter eighty-three, intitled An Act for the punishment of idle and disorderly persons, and Rogues and Vagabonds, in that part of Great Britain called England:”

Be it enacted, &c.

1. *Short Title.*] This Act may be cited for all purposes as “The Vagrant Act Amendment Act, 1868.”

2. *Construction of Acts.*] This Act and the recited Act shall be construed as one Act.

3. *Extending provisions to gaming with coin, &c.*] Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any place to which the public have or are permitted to have access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of such wagering on gaming at any game or pretended game of chance, shall be deemed a rogue and vagabond within the true intent and meaning of the recited Act, and as such may be convicted and punished under the provisions of that Act.

4. *Commencement of Act.*] This Act shall commence and take effect on and after the 1st day of October, 1868.

## CAP. LIII.

An Act to continue in force an Act of the Second Year of King George the Second, Chapter Nineteen, for the better Regulation of the Oyster Fishery in the River Medway.  
[13th July, 1868.]

## CAP. LIV.

An Act to render Judgments or Decrees obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other part of the United Kingdom.  
[13th July, 1868.]

Be it enacted, &c.

1. *Where judgment has been obtained in the courts at Westminster, a certificate thereof registered in Ireland, and vice versa, shall have the effect of a judgment of the Court in which it is so registered.*] Where judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any debt, damages, or costs, on production to the master of the Court of Common Pleas at Dublin where such judgment shall have been obtained or entered up in any of the said courts in England, or to the senior master of the Court of Common Pleas at Westminster where such judgment shall have been obtained or entered up in any of the said courts in Ireland, of a certificate of such judgment in one of the forms contained in the schedule hereto annexed, as

the case may be, purporting to be signed by the proper officer of the court where such judgment has been obtained or entered up, such certificate shall be registered by such master in a register to be kept in the Court of Common Pleas at Dublin and at Westminster respectively for that purpose, and to be called in the Court of Common Pleas at Dublin the Register for English Judgments, and to be called in the Court of Common Pleas at Westminster the Register for Irish Judgments, and shall from the date of such registration be of the same force and effect, and all proceedings shall and may be had and taken on such certificate, as if the judgment of which it is a certificate had been a judgment originally obtained or entered up on the date of such registration as aforesaid in the court in which it is so registered, and all the reasonable costs and charges attendant upon the obtaining and registering such certificate shall be recovered in like manner as if the same were part of the original judgment: provided always, that no certificate of any such judgment shall be registered as aforesaid more than twelve months after the date of such judgment, unless application shall have been first made to and leave obtained from the Court or a judge of the court in which it is sought so to register such certificate.

2. *Where judgment has been obtained in the courts at Westminster or at Dublin, a certificate thereof registered in Scotland shall have the effect of a decree of the Court of Session.*] Where judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any debt, damages, or costs, on production at the office kept in Edinburgh for the registration of deeds, bonds, protests, and other writs registered in the books of council and session of a certificate of such judgment in one of the forms contained in the schedule hereto annexed, as the case may be, purporting to be signed by the proper officer of the court where such judgment has been obtained or entered up, such certificate shall be registered in a book to be kept for that purpose, and to be called the Register for English and Irish Judgments, in like manner as a bond executed according to the law of Scotland, with a clause of registration for execution therein contained; and every certificate so registered shall from the date of such registration be of the same force and effect as a decree of the Court of Session, and all proceedings shall and may be had and taken on an extract of such certificate as if the judgment of which it is a certificate had been a decree originally pronounced in the Court of Session on the date of such registration as aforesaid, and all the reasonable costs, charges, and expenses attendant upon the obtaining and registering such certificate shall be recovered in like manner as if the same were part of the original judgment: provided always, that no certificate of any such judgment shall be registered as aforesaid more than twelve months after the date of such judgment, unless application shall have been first made to and leave obtained from the Lord Ordinary on the bills.

3. *Where decree has been obtained in the Court of Session, a certificate of an extract thereof registered in England or Ireland shall have the effect of a judgment of the Court in which it is so registered.*] On production to the senior master of the Court of Common Pleas at Westminster, or to the master of the Court of Common Pleas at Dublin, of the certificate in one of the forms contained in the schedule hereto annexed, as the case may be, of any extracted decree of the Court of Session in Scotland which shall hereafter be obtained for the payment of any debt, damages, or expenses purporting to be signed by the extractor of the Court of Session, or other officer duly authorised to make and subscribe extracts, or on production of the certificate of an extracted decree of registration in the books of council and session purporting to be signed by the keeper of the register of deeds, bonds, protests and other writs registered for execution in the books of council and session, which shall hereafter be obtained for the payment of any debt, damages, or expenses, such certificate shall be registered by such master in a register to be kept in the Court of Common Pleas at Westminster and Dublin respectively for that purpose, and to be called “The Register for Scotch Judgments,” and such certificate when so registered shall from the date of such registration be of the same force and effect as a judgment obtained or entered up in the court in which it is so registered, and all proceedings shall and may be had and taken on such certificate as if the decree of which it is a certificate had been a judgment originally obtained or entered up on the date of such registration.



tration as aforesaid in the court in which it is so registered and all the reasonable costs, charges, and expenses attendant upon the obtaining and registering such certificate shall be recovered in like manner as if the same were part of the decret of which it is a certificate: provided always, that no certificate shall be registered as aforesaid more than twelve months after the date of such decret, unless application shall have been first made to and leave obtained from the Court or a judge of the court in which it is sought so to register such certificate; provided that where a note of suspension of any such decret shall have been passed or a sist of execution shall have been granted thereon by the said Court of Session or any judge thereof, on the production of a certificate under the hand of the clerk to the bill chamber of the Court of Session of the passing of such note for the granting of such sist, to a judge of the court in which such certificate of such decret has been registered, execution on such registered certificate shall be stayed until a certificate be produced under the hand of the said clerk that such sist has been recalled or has expired, or where the note of suspension has been passed, until there be produced an extract, under the hand of the extractor of the Court of Session or other officer duly authorized to make and subscribe extracts of a decret of the said Court repelling the reasons of suspension.

4. *Courts herein named to have control over registered judgments or decreets in so far as relates to execution.*] The Courts of Common Pleas at Westminster and at Dublin and the Court of Session in Scotland shall have and exercise the same control and jurisdiction over any judgment or decret, and over any certificate of such judgment or decret, registered under this Act in such Courts respectively as they now have and exercise over any judgment or decret in their own Courts, but in so far only as relates to execution under this Act.

5. *No security for costs where plaintiff resides in a different part of the kingdom.*] It shall not be necessary for any plaintiff in any of the aforesaid courts in England resident in Ireland or Scotland, or any plaintiff in any of the aforesaid courts in Ireland resident in England or Scotland, in any proceeding had and taken on such certificate, to find security for costs in respect of such residence, unless, on special grounds, a judge or the Court shall otherwise order; nor shall it be necessary for any party to such proceeding in Scotland, resident in England or Ireland, to sist a mandatory, or otherwise to find security for expenses in respect of such residence, unless, on special grounds, the Court shall otherwise order.

6. *Costs not to be allowed in actions on judgments unless by order of Court.*] In any action brought in any court in England, Scotland, or Ireland, on any judgment or decret which might be registered under this Act in the country in which such action is brought, the party bringing such action shall not recover or be entitled to any costs or expenses of suit, unless the Court in which such action shall be brought, or some judge of the same court, shall otherwise order.

7. *Judges to make rules for execution of this Act.*] It shall be lawful for the judges of the Court of Queen's Bench, Common Pleas, and Exchequer at Westminster and Dublin respectively, or any eight or more of them respectively, of whom the chiefs of the said courts respectively shall be three, and they are hereby required, from time to time to make all such general rules and orders to regulate the practice to be observed in the execution of this Act, or in any matter relating thereto, including the scale of fees to be charged, in the courts of common law in England and Ireland respectively, as they may deem to be necessary and proper; and it shall be lawful for the Court of Session in Scotland, and the said Court is hereby required, from time to time to make such acts of sederunt to regulate the practice to be observed in the execution of this Act, or in any matter relating thereto, including the scale of fees to be charged, in the courts of common law in England and Ireland respectively, as they may deem to be necessary and proper; and it shall be lawful for the Court of Session in Scotland, and the said Court is hereby required from time to time to make such acts of sederunt to regulate the practice to be observed in the execution of this Act or in any matter relating thereto, including the scale of fees to be charged in Scotland, as such Court may deem to be necessary and proper: provided always, that such rules, orders,

and acts of sederunt respectively shall be laid before both Houses of Parliament within one month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

8. *Act not to apply to certain decreets.*] This Act shall not apply to any decret pronounced in absence in an action proceeding on an arrestment used to found jurisdiction in Scotland.

9. *Short Title.*] In citing this Act in any instrument, document, or proceeding it shall be sufficient to use the expression "the Judgments Extension Act, 1868."

#### SCHEDULE.

Certificate issued in terms of "The Judgments Extension Act, 1868."

FORM I.—*Where party applying is plaintiff or pursuer.*

I, ——— certify that [here state name, title, trade or profession, and usual or last known place of abode of plaintiff or pursuer] on the ——— day of ——— 18—, obtained judgment against [here state name and title, trade or profession, and usual or last known place of abode of defendant] before the Court of ——— for payment of the sum of ——— on account of [state shortly nature of claim or ground of action, with the sum of costs, if any, and in case of a judgment obtained in an action state whether it was obtained after appearance made by the defendant or after service (personal or otherwise) of the action on the defendant, as the case may be].

(Signed by the proper officer of the court from which the certificate issues.)

FORM II.—*Where party applying is Defendant or Defender.*

I, ——— certify that [here state name, title, trade or profession, and usual or last known place of abode of defendant or defender] on the ——— day of ——— 18—, obtained judgment against [state name, title, trade or profession, and usual or last known place of abode of plaintiff or pursuer] before the Court of ———, for judgment of the sum of £ ——— as costs of suit.

(Signed by the proper officer of the court from which the certificate issues.)

*Minute of Presentation to be appended to either Form.*

Presented for registration in terms of "The Judgments Extension Act, 1868."

Signature of (attorney, law agent, or creditor) presenting for registration.

#### CAP. LV.

An Act to provide for the Collection by means of Stamps of Fees payable in the Supreme and Inferior Courts of Law in Scotland, and in the Offices belonging thereto; and for other Purposes relative thereto. [13th July, 1868.]

#### CAP. LVI.

An Act to amend the Act Twenty-fifth and Twenty-sixth Victoria, Chapter Sixty-six, for the safe keeping of Petroleum. [13th July, 1868.]

1. *Short Title.*

2. *Act to be construed with 25 & 26 Vict. c. 66.*

3. *Definition of "Petroleum."*

4. *Section 3 of 25 & 26 Vict. c. 66, repealed.*

*Regulations as to Storage of Petroleum.*

#### CAP. LVII.

An Act to make Provision for the Appointment of Members of the Legislative Council of New Zealand, and to remove Doubts in respect of past Appointments. [13th July, 1868.]

#### CAP. LVIII.

An Act to amend the Law of Registration so far as relates to the Year One thousand eight hundred and sixty-eight, and for other Purposes relating thereto. [16th July, 1868.]

"Whereas it is expedient to make provision for expediting the completion of the registration of parliamentary

electors during the present year, and to make certain amendments in the law relating to elections :  
Be it enacted, &c.

*Preliminary.*

1. *Definition of Principal Act* (6 & 7 Vict. c. 18). "Principal Act" in this Act shall mean the Act passed in the session of the 6th and 7th years of the reign of her present Majesty, chapter 18, intituled "An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales," as amended by "The County Voters Registration Act, 1865."

2. *This and principal Act construed as one.* This Act shall be construed as one with the principal Act, and may be cited for all purposes as "The Parliamentary Electors Registration Act, 1868."

3. *Application of Act.* This Act shall not apply to Scotland or Ireland, except that so much thereof as relates to the time to be appointed for the first meeting of Parliament after the dissolution thereof shall apply both to Scotland and Ireland, and that so much thereof as relates to an election for the county of Orkney and Shetland shall apply to Scotland.

**PART I.**

*Provisions as to Registration in the Year 1868.*

4. *Number of revising barristers to be appointed for 1868.* The number of revising barristers to be appointed in the year 1868, in pursuance of the 28th section of the Principal Act, ay be as follows ; that is to say,

|   |    |
|---|----|
| For the county of Middlesex, and for the city of London, the city of Westminster, and the boroughs in the county of Middlesex | 6  |
| For the counties, cities, boroughs, and places within the Home Circuit  | 15 |
| For the counties, cities, boroughs, and places within the Western Circuit   | 21 |
| For the counties, cities, boroughs, and places within the Oxford Circuit  | 18 |
| For the counties, cities, boroughs, and places within the Midland Circuit   | 20 |
| For the counties, cities, boroughs, and places within the Norfolk Circuit   | 15 |
| For the counties, cities, boroughs, and places within the Northern Circuit  | 20 |
| For the counties, cities, boroughs, and places within the North Wales Circuit   | 8  |
| For the counties, cities, boroughs, and places within the South Wales Circuit   | 9  |

5. *Additional barristers how to be appointed.* The power of appointing additional revising barristers in pursuance of section 29 of the Principal Act shall, in the case of any event in which the said power arises occurring after the 5th day of September in the year 1868, be exercised by any judge of her Majesty's superior courts of common law at Westminster sitting in chambers, on the like representations being made to him as would justify an appointment under the said section.

6. *Revision of lists in counties.* The following provisions shall be enacted with respect to the revision of the lists and completion of the register of voters in counties in the year 1868 :

1. The lists of voters for each county shall be revised by the barrister or barristers appointed to revise the same between the 14th day of September inclusive and the 8th day of October inclusive, and the barrister appointed to revise the lists shall, seven days at the least before holding any court of revision, give notice to the clerk of the peace of the time and place at which such court will be holden, and of the several parishes and townships the lists of and for which will be revised at such court, which last-mentioned lists are hereinafter referred to as the parochial lists.
2. The revising barrister shall, if practicable, complete the revision of the lists of one polling district before proceeding to revise the lists of another polling district.
3. The revising barrister, on completing the revision of the lists of any polling district, shall forthwith transmit the same to the clerk of the peace of the county in which the district is situate.

4. The clerk of the peace shall keep the original lists amongst the records of the session, but shall, as soon as possible after the receipt thereof, cause copies of such lists to be printed, with the names in each parish or township in the district arranged in alphabetical order, and numbered consecutively throughout the whole of the lists belonging to the polling district, beginning in each polling district with the number one.

5. The clerk of the peace shall, as soon as possible after the receipt of all the revised lists of his county, cause to be made out and printed a separate supplemental list for each polling district, containing in alphabetical order the names of all persons whose names do not appear in any of the parochial lists of such district, but who have been registered by the revising barrister to vote at the polling place of such district ; and such supplemental list shall be placed at the end of the parochial lists of each polling district.

6. All the lists of a county, including the said supplemental lists, shall be printed uniformly, and shall be capable of forming one book or of being detached each list by itself, so that the list of any parish or township, or all the lists of any polling district or polling districts, may be had separately.

7. The clerk of the peace shall, on or before the 1st day of November, 1868, sign a printed copy of every parochial list and supplemental list as aforesaid belonging to the several polling districts in his county, and deliver the book containing such lists, arranged according to the alphabetical order of the polling districts, to the sheriff of the county, to be by him and his successors in office safely kept ; and such book shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which may take place in and for the same county between the 1st day of November, 1868, and the 1st day of January 1870.

7. *Revision of lists in boroughs.* The following provisions shall be enacted with respect to the revision of the lists and completion of the register of voters in cities and boroughs in the year 1868.

1. The revision of the lists of voters for a city or borough for the year 1868 shall be begun and completed in the same interval, and, so far as is convenient, in the same manner, as is in this Act provided with respect to the list of voters for a county, but it shall be lawful for the revising barrister to conduct the revision by parishes, townships, polling districts, or otherwise as he thinks will most conduce to despatch, and to send to the town clerk from time to time such parts of the revised list as he thinks convenient

8. *Delivery of lists to returning officer.* The town clerk of every city or borough returning a member or members to serve in Parliament shall, on or before the 1st day of November, 1868, sign and deliver the printed book containing all the lists of the voters in his city or borough to the returning officer of such city or borough, to be by him and his successors as returning officer safely kept, and such book shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which may take place in and for the said city or borough between the 1st day of November, 1868, and the 1st day of January, 1870.

9. *Extension in certain cases of time for making claims to vote for county members.* Where, by reason of the disfranchisement or the alteration of the boundaries of any borough during the present session of Parliament, any person who would not otherwise be so entitled becomes entitled to vote for the member or members to serve in Parliament for any county, the time for making a claim shall in such case in this present year extend to the 25th instead of the 20th of July.

10. *Section 60 of 30 & 31 Vict. c. 102, to be construed as herein stated.* "Whereas it is provided by the 60th section of the Representation of the People Act, 1867, that 'notwithstanding anything in this Act contained, in the event of a vacancy in the representation of any constituency, or of a dissolution of Parliament taking place, and a writ or writs being issued before the 1st day of January, 1869, for the election of members to serve in the present or any new

Parliament, each election shall take place in the same manner in all respects as if no alteration had been made by this Act in the franchises of electors or in the places authorised to return a member or members to serve in Parliament, with this exception, that the boroughs by this Act disfranchised shall not be entitled to return members to serve in any such new Parliament :” Be it enacted, that the said section shall be construed as if the words “the 1st day of November, 1868,” were substituted for the words “the 1st day of January, 1869.”

11. *Shortening time for assembling Parliament.*] If the next dissolution of Parliament take place in the year 1868, the time to be appointed for the first meeting of the Parliament of the United Kingdom of Great Britain and Ireland after such dissolution may be at any time not less than twenty-eight days after the date of such proclamation, any Act, law, or usage to the contrary notwithstanding.

12. *Saving of Registration Acts.*] The 47th and 48th sections of the Principal Act, and so much of the 49th section of the principal Act as relates to the time during which the register is to be in force, and all other provisions of any Act of Parliament inconsistent with the provisions hereinbefore contained, shall not apply to the lists or register of voters to be made in the year 1868, but save as aforesaid all the provisions of the Acts relating to the registration of Parliamentary voters shall remain in full force.

13. *Provision as to return of member for Orkney.*] Section 31 of the Act 2nd and 3rd William Fourth, chapter 65, shall not apply to any election which may take place for the county of Orkney in the year 1868, and in place thereof, so far as respects such election, the following provisions shall be substituted : that is to say,

“The sheriff of Orkney to whom the writ for the election of a member for the county of Orkney and Shetland shall be addressed at Kirkwall shall, within twenty-four hours after receiving the same, issue a precept to the sheriff substitute in Shetland, fixing a day for the election for the said county, which day shall not be less than eight nor more than twelve days after that on which the writ was received, and shall forward or transmit the said precept with the least possible delay directly to the said sheriff substitute in Shetland, who immediately on receipt thereof shall announce the day of election by notices on the church doors ; and if on the day of election more candidates than one shall be put in nomination, and a poll shall be demanded, the sheriff shall then fix a convenient day for such election, not being less than six nor more than ten days after the day of nomination, and shall forthwith despatch notice of such day to the sheriff substitute of Shetland, and the polling shall be held accordingly on the day so fixed, and continue during the time permitted by law.”

14. *Provision in case of parish severed by the Boundary Act from its proper polling district.*] Where any parish or township is, in consequence of the provisions of any Act passed during the present session of Parliament, placed for parliamentary purposes in a different division of a county from that in which it was previously situate, or where for any reason a doubt exists as to the polling district to which any parish or township belongs, the clerk of the peace of the county in which such parish or township is situate may for the purposes of revision of the list of voters during the present year, and also (subject to any alteration that may be made by the authority having power to alter polling districts) for the purpose of voting at an election during the present year, annex such parish or township to such polling district as he may think most convenient.

Where a parish or township has been annexed to any polling district in pursuance of this section, the clerk of the peace shall give notice to the overseers of such parish or township of the polling district to which the same is annexed, and of the polling place at which the voters of such parish or township are to poll.

#### PART II.

#### AMENDMENT OF LAW AS TO REGISTRATION.

##### *Alterations of Times.*

15. *Amendment of 16 & 17 Viet. c. 68. s. 2, as to Elections in Counties.*] “Whereas by the Act of the session of the 16th and 17th years of the reign of her present Majesty, chapter 68, section 2, it is enacted, ‘that after the passing of the Act any such special court as is therein mentioned for the purpose of the election of a knight or knights to serve in Parliament for any county, riding, parts, or divi-

sion of any county in England and Wales, shall be holden on any day (Sunday, Good Friday, and Christmas day excepted) not later than the day of making the proclamation than the 12th day, nor sooner than the 6th day :” Be it enacted, that the said section shall be construed as if the words fourth day were substituted for sixth day.

16. *Amendment of Act of 5 & 6 Will. 4. c. 36, s. 2, as to time of polling in the Welsh contributory boroughs.*] “Whereas by the Act of the session of the 5th and 6th years of the reign of King William the Fourth, chapter 36, section 2, it is enacted, ‘that at every contested election of a member or members to serve in Parliament for any city, borough, or town, or county of city or county of a town, the polling shall commence at eight of the clock in the forenoon of the day next following the day fixed for the election, and the polling shall continue during such one day only, and no poll shall be kept open later than four of the clock in the afternoon : provided always, that when such day next following the day fixed for the election shall be Sunday, Good Friday, or Christmas day, then in the case it be Sunday the poll shall be on the Monday next following, and in the case it be Good Friday then on the Saturday next following, and in the case it be Christmas day then on the next following day, if the same shall not be Sunday, and if it be Sunday on the next following Monday :’ and whereas a longer time is required in the case of the said contributory boroughs in Wales specified in the said schedule marked (E) annexed to the said Act of the session of the second year of king William the Fourth, chapter 45 :” Be it enacted, that the said recited section shall be repealed so far as respects the said contributory boroughs, and in lieu thereof be it enacted that at every contested election of a member or members to serve in Parliament for any of the said contributory boroughs the polling shall commence at eight of the clock of the forenoon of the first or second day next following the day fixed for the election, and the polling shall continue during one such day only, and no poll shall be kept open later than four of the clock in the afternoon : provided always, that Sunday, Good Friday, or Christmas day shall not, for the purposes of this section, be reckoned as a day.

##### *Amendment of the Representation of the People Act, 1867.*

17. *Amendment of section 30 of 30 & 31 Viet. c. 102.*]

“Whereas by the first enactment contained in the 30th section of the Representation of the People Act, 1867, it is enacted, that ‘the overseers of every parish or township shall make out or cause to be made out a list of all persons on whom a right to vote for a county in respect of the occupation of premises is conferred by this Act, in the same manner and subject to the same regulations, as nearly as circumstances admit, in and subject to which the overseers of parishes and townships in boroughs are required by the registration Acts to make out or cause to be made out a list of all persons entitled to vote for a member or members for a borough in respect of the occupation of premises of a clear yearly value of not less than ten pounds :’ and whereas by the 59th section of the same Act it is further provided that the said Representation of the People Act, 1867, so far as is consistent with the tenor thereof, shall be construed as one with the Registration Acts : and whereas doubts are entertained, notwithstanding the said provisions, whether the 15th section of the Principal Act, relating to the claims of persons omitted from borough lists of voters, or desirous of being registered in respect of a different qualification from that appearing in such lists, does or does not apply with the necessary variations to the rectification of the lists of county voters to be made in pursuance of the said enactment :” It is hereby declared that the said 15th section of the Principal Act shall apply to the list of persons on whom a right to vote for a county in respect of the occupation of premises is conferred by the Representation of the People Act, 1867, in the same manner as if the list of voters in the said 15th section referred to were the list of voters made in pursuance of the enactment contained in the 30th section of the Representation of the People Act instead of the list of voters for a city or borough as specified in the said 15th section.

18. *Amendment of section 34 of 30 & 31 Viet. c. 102.*]

Where a municipal borough forms part of a parliamentary borough the town clerk of such municipal borough shall be deemed to be the town clerk within the meaning of the 34th section of the Representation of the People Act, 1867, and the Acts relating to registration.

The local authority within the meaning of the same so



tion, in boroughs where the town council is not the local authority, shall be the justices of the peace of the petty sessional division in which such borough is situate, or if such borough be situate in or comprise more than one petty sessional division then the justices in general or quarter sessions having jurisdiction over such borough or the greater part thereof in area.

The power of dividing their county into polling districts, and assigning to each district a polling place, vested in the justices of the peace by the said 34th section of the Representation of the People Act, 1867, may be exercised by such justices from time to time and as often as they think fit; and the said power of dividing a county into polling districts shall be deemed to include the power of altering any polling district or polling districts.

19. *Provision as to £12 occupiers.* In the lists and register of voters for a county the names of the persons in any parish or township on whom a right to vote for a county in respect of the occupation of premises in such parish or township is conferred by the Representation of the People Act, 1867, shall appear in a separate list after the list of voters in such parish or township otherwise qualified, and such separate list shall be deemed to be part of the lists of county voters of such parish or township, and shall be annually made anew by the overseers of such parish or township, subject to this proviso, that the revising barrister shall erase from the separate list of such occupiers as aforesaid all persons who appear to him from the accompanying lists to be entitled to vote in the same polling district in respect of some other qualification to which no objection is made, except in cases where any person whose name is about to be erased object to the erasure, in which case such person shall be deemed to have given due notice of his claim to have his name inserted in the list of occupiers, and shall be dealt with accordingly.

20. *Amendment of law respecting the registration of lodgers.* Notwithstanding anything contained in the 30th section of the Representation of the People Act, 1867, and the 38th section of the Principal Act therein referred to, the names of the persons in any parish or township on whom a right to vote for a member or members to serve for any borough in respect of the occupation of lodgings is conferred by the Representation of the People Act, 1867, shall, in the lists and register of voters for such boroughs, appear in a separate list.

21. *As to issue of writs to the County Palatine of Durham.* Section 67 of the Representation of the People Act, 1867, with respect to the County Palatine of Lancaster, and the issue, direction, and transmission of writs for the election of members to serve in Parliament for any division of the said county or for any borough situate therein, shall be construed to extend to and include the County Palatine of Durham.

#### *Miscellaneous Amendments.*

22. *Parish situate in more than one polling district.* Where any parish in a county, city, or borough forms part of more than one polling district, the part of such parish situate in each polling district shall be deemed to be a separate parish for the purposes of the revision of voters and the lists and register of voters, and may be designated by some distinguishing addition in the list of voters for such part of a parish.

23. *Recovery of expenses by town clerks and returning officers.* "Whereas it is expedient to provide a summary remedy for the recovery by town clerks and returning officers of sums of money due to them in respect of expenses incurred in pursuance of the Registration Acts: Be it enacted, that if the overseers of any parish or township refuse or neglect to pay to the town clerk or returning officer of any borough, out of the first moneys to be collected for the relief of the poor, any contribution or sum required to be paid to him by the 55th section of the Principal Act, or any Act amending the same, or any part of such contribution or sum, it shall be lawful for any justice of the peace for the county or place within which such parish or township is wholly or in part situate, upon information and complaint in writing, and after seven days notice in writing to be served upon such overseers or one of them, by warrant under his hand to levy such contribution or sum by distress and sale of the goods of the offender or offenders, together with all costs occasioned by the making of such complaint, service of such summons, and the obtaining and executing such warrant.

24. *Amendment of law as to numbers in polling booths.* The 3rd section of the said Act of the session of the fifth and sixth years of King William the Fourth, chapter 36, shall be repealed, and instead thereof be it enacted, "that the polling booths at each polling place shall be so divided and arranged in compartments by the sheriff or other returning officer that not more than 500 electors shall be allotted to poll in each compartment."

25. *Provision when borough situate partly in one circuit and partly in another.* Where a borough is situated partly in one circuit and partly in another the judge of the circuit in which the greater part in extent of such borough is situate shall appoint the revising barrister for such borough.

26. *Power of clerk of peace in case of alteration of boundaries.* If, in pursuance of any Act passed during the last or present session of Parliament, any alteration is made affecting the divisions of any county, the clerk of the peace of such county or the revising barrister shall amend any copies of registers, lists, claims, or objections submitted to him in such manner as to make the same conformable to the alterations so made by Act of Parliament.

If the justices of the peace in any county have by any order of session made before such Act was passed divided such county into polling districts, and assigned to each district a polling place, and named the polling places at which the revising barristers are to hold their courts, such order shall be as valid to all intents and purposes as if it had been made after the passing of such Act.

27. *Appointment of returning officer for borough of Thirsk.* From and after the passing of this Act a returning officer shall be annually appointed for the borough of Thirsk in the manner provided by the 11th section of the Act of the second year of the reign of his late Majesty King William the Fourth, chapter 45, in the case of the boroughs mentioned in schedules C and D annexed to the said Act, for which no persons are mentioned in such schedules as returning officers, and the person so appointed shall perform all the duties and be entitled to the remuneration which a returning officer is, by the Registration Acts, required to perform and is entitled to in boroughs where there is no town clerk.

28. *Production of rate books by overseers.* 6 Vict. c. 18, ss. 34, 35. The overseers of every parish or township shall produce to the barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to their parish or township, all rates made for the relief of the poor of their parish or township between the 5th day of January in the year then last past and the last day of July in the then present year; and any overseer wilfully refusing or neglecting to produce any such rates shall be deemed wilfully guilty of a breach of duty in the execution of the Principal Act, and be punishable accordingly.

29. *Power of revising barrister to summon overseers, &c.* 6 Vict. c. 18, ss. 34, 35. The barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to a parish or township, may require any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, to attend before him at any such court, and they shall attend accordingly and answer all such questions as may be put to them by the barrister; and any overseer or relieving officer, wilfully refusing or neglecting to comply with the requirements authorised to be made by the revising barrister in pursuance of this section shall be punishable in the same manner in which an overseer wilfully guilty of a breach of duty in the execution of the Principal Act is punishable under the Principal Act.

30. *Application of certain rating sections to counties.* The 30th section of the Act of the session of the second year of King William the Fourth, chapter 45, and the 75th section of the Principal Act, shall apply to all occupiers of premises capable of conferring the franchise for a county under the Representation of the People Act, 1867.

31. *Expenses of overseers and relieving officers.* All expenses properly incurred by an overseer in pursuance of this Act shall be deemed to be expenses properly incurred by him in carrying into effect the provisions of the Principal Act, and any expense incurred by any relieving officer in attending a revising barrister in pursuance of this Act (the amount to be certified by the revising barrister) shall be deemed to be expenses properly incurred by him in the



execution of his duty as relieving officer, and shall be defrayed accordingly.

32. *Certificate of revising barrister to be conclusive.* The certificate given to the overseers by the revising barrister under section 57 of the Principal Act for the expenses incurred by them in carrying into effect the provisions of the Registration Acts shall be final and conclusive; provided nevertheless, that such certificate shall be signed by the revising barrister in open court, and any ratepayer present shall have a right to inspect the account of expenses delivered in by the overseers, and to object to any item or items included therein, before such account is allowed by the revising barrister, who shall hear any such objection and make a decision respecting the same.

33. *Provision as to returning officer in case of parliamentary borough becoming a municipal borough.* Whenever a borough returning a member or members to serve in Parliament becomes a municipal borough the authority of the person who may for the time being be acting as returning officer shall cease, and the mayor shall take his place, subject nevertheless to the repayment to such first mentioned returning officer of any expenses properly incurred by him in the execution of the duties of his office.

34. *Provision as to issue of precepts, &c. in case of altered or disfranchised boroughs.* In case the boundary of any borough shall have been extended or altered, or any borough shall have been disfranchised by any Act passed or to be passed in the present session of Parliament, the town clerk or clerk of the peace respectively shall forthwith, after the passing of such Act, and of this Act, send to the overseers of every parish or township in which any part of such extended or altered boundary shall be situate, or which or any part of which was within any such disfranchised borough, the forms of precepts and lists required by the Principal Act to be sent to overseers, with such modifications therein, if any, as may be necessary to meet the provisions of any of such Acts.

35. *Provision as to officers in case of altered boundaries of counties and boroughs.* Where the boundary of any county or borough is altered in pursuance of any Act passed during the present session of Parliament, any clerk of the peace, town clerk, returning officer, or other officer who would have jurisdiction in relation to the registration of voters or in relation to the election of members to serve in Parliament within such county or borough if it had remained unaltered, shall have jurisdiction over the area constituting such county or borough as altered by the said Act.

36. *Provision with respect to boroughs disfranchised by Scotch Representation of the People Act.* "Whereas by an Act passed in the present session of Parliament for the amendment of the representation of the people of Scotland certain boroughs in England are disfranchised from and after the close of the present session of Parliament, and it is desirable to provide with regard to such boroughs for the case of a vacancy in the representation of any of them during the present session of Parliament, and with regard to the counties in which such boroughs are situated for any registration of voters which may be made during the present session of Parliament:" Be it enacted, that in respect of any vacancy in the representation of any of such boroughs, and for the purposes of any registration of voters for such counties during the present session of Parliament, such boroughs shall be deemed to be disfranchised from and after the passing of this Act.

37. *Copies of registers to be transmitted to Secretary of State.* The clerk of the peace of every county, and the town clerk or other officer having charge of the register of every city or borough respectively, shall in each and every year, within twenty-one days after the 1st day of February, transmit to one of her Majesty's principal secretaries of state a printed copy of the register of voters then in force for such county, city, or borough.

## CAP. LIX.

An Act to amend the Law relating to Reformatory Schools in Ireland. [16th July, 1868.

## CAP. LX.

An Act to make better Provision for the Management and Use of the Curragh of Kildare.

[16th July, 1868.

## CAP. LXI.

An Act for removing Doubts as to the Validity of certain Marriages between British Subjects in China and elsewhere, and for amending the Law relating to the Marriage of British Subjects in Foreign Countries. [16th July, 1868.

## CAP. LXII.

An Act to extend the Provisions of "The Renewable Leasehold Conversion (Ireland) Act" to certain Leasehold Tenures in Ireland. [16th July, 1868.

## CAP. LXIII.

An Act to enable Commissioners appointed to inquire into the Failure of the Bank of Bombay to examine Witnesses on Oath in the United Kingdom.

[16th July, 1868.

## CAP. LXIV.

An Act to improve the system of Registration of Writs relating to Heritable Property in Scotland.

[31st July, 1868.

## CAP. LXV.

An Act to amend the Law relating to the Use of Voting Papers in Elections for the Universities.

[31st July, 1868.

## CAP. LXVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of the Reign of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[31st July, 1868.

## CAP. LXVII.

An Act to amend the Law relating to the Funds provided for defraying the Expenses of the Metropolitan Police.

[31st July, 1868.

## CAP. LXVIII.

An Act to facilitate Liquidation in certain Cases of Bankruptcy Arrangement and Winding-up.

[31st July, 1868.

Be it enacted, &c.,

*Preliminary.*

1. *Short Title.* This Act may be cited as "The Liquidation Act, 1868."

2. *Interpretation of Terms.* In this Act—

The term "arrangement" means arrangement, conveyance, or assignment by a debtor with or for the benefit of his creditors, by deed registered under the Bankruptcy Act, 1861:

The term "deed" includes any instrument:

The term "winding-up" means the winding-up of a company in any manner under the Companies Act, 1862, and any Act amending the same:

The term "liquidators" means assignees in a bankruptcy trustees or inspectors, or other person acting on behalf of a debtor and his creditors, under an arrangement, or official or other liquidators in a winding-up.

3. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

4. *Application of Act.* This Act shall have effect in the following cases only:—

(1.) In case of bankruptcy, where the adjudication has been made before the passing of this Act, or a deed of arrangement has been registered before the passing of this Act and adjudication of bankruptcy supervenes before the completion of the liquidation under the deed.

(2.) In case of arrangement, where the deed has been registered before the passing of this Act.

(3.) In case of winding-up where proceedings are pending at the passing of this Act.

*Division of Assets in Specie.*

5. *Power to prepare and file scheme.* If in any case of bankruptcy, arrangement, or winding-up within this Act

it appears to the liquidators that it will be for the benefit of the estate in liquidation that any part of the assets thereof should be divided in specie, or be otherwise disposed of without sale, they may prepare and file in the Court of Chancery a scheme in that behalf.

6. *Provision in scheme as to secured creditors.*] A scheme may in any case provide that any class of secured creditors shall take in or towards discharge of their claims on the estate the securities held by them at a value to be determined by the Court or in such manner as the Court shall direct.

7. *Notice of scheme.*] Notice of the filing of the scheme shall be published and given as general orders under this Act direct.

8. *Application for confirmation.*] At such time after the filing of the scheme as general orders under this Act direct the liquidators may apply to the Court in a summary way for confirmation thereof.

9. *Confirmation of scheme by Court.*] After hearing the liquidators, and any creditors or other parties whom the Court thinks entitled to be heard on the application, the Court, if satisfied that no sufficient objection has been established to the scheme, may confirm the scheme, with or without alteration or addition.

10. *Effect of scheme.*] The scheme, as and when confirmed by the Court, shall be binding and effectual to all intents (any rule of law or equity or course of procedure in any court notwithstanding), and the liquidators and debtor and others affected by the scheme shall conform with the conditions thereof, and accordingly shall (subject to the directions of the Court) execute and do all deeds and things necessary or proper for transferring or vesting any portion of the assets of the estate in accordance with the scheme.

11. *Regard by Court to wishes of creditors.*] The Court, in determining on the confirmation of a scheme, and in all proceedings and matters under or relating to a scheme, may have regard to the wishes of the creditors or of separate classes of creditors, as proved to the Court by any sufficient evidence; and the Court may, if it thinks it expedient for the purpose of ascertaining their wishes, direct meetings of creditors or of classes of creditors to be summoned and held, which meetings shall be regulated in such manner as the Court thinks fit (regard being always had to the value of the debts due to the several creditors and to the nature and amount of their respective securities, if any), and may appoint a person to act as chairman of any such meeting, and to report the result thereof to the Court.

#### *Foreclosure by Notice.*

12. *Power for Creditors to foreclose by notice.*] For facilitating the settlement of claims of secured creditors the following provisions shall have effect:—

- (1.) In any case of bankruptcy, arrangement, or winding-up within this Act, any person being or claiming to be a creditor on the estate in liquidation, and holding or claiming a security, charge, or lien on the assets of the estate, may, without suit, give notice in writing to the liquidators and the debtor, stating his debt or demand, and the security, charge, or lien which he holds or claims, and requiring payment of his debt or demand within a time therein specified, not being less than six months from the delivery of the notice:
- (2.) Unless the liquidators within the time specified either comply with the notice or give to the creditor a counter-notice to the effect that they dispute his right to the security, charge, or lien held or claimed by him, then from and after the expiration of the time specified the creditor shall be entitled and bound to retain and accept, in full and final satisfaction of the debt or demand stated in his notice, that portion of the assets on which he holds or claims the security, charge, or lien, and all right and title of the liquidators and debtor therein shall thenceforth be foreclosed:
- (3.) The liquidators and debtor shall, at the cost of the estate, execute and do all deeds and things necessary or proper for vesting in the creditor such portion of the assets as aforesaid, free from all right of redemption by such liquidators or debtor.

#### *Procedure.*

13. *General orders and forms in schedule.*] General orders for the better execution of this Act and for the regulation of procedure thereunder shall be from time to time made by the Lord Chancellor of Great Britain with the advice and assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice Chancellors, or of any two of those judges; and subject to the provisions of any such general orders, and until any such are made the forms given in the schedule to this Act, or forms to the like effect, may be used for the purposes therein indicated, with such variations as circumstances require, and when used shall be deemed sufficient.

#### THE SCHEDULE.

##### FORMS.

##### I.

##### NOTICE BY CREDITOR.

##### *The Liquidation Act, 1863.*

To A. B. and C. D., being the assignees in bankruptcy [or as the case may be] of E. F., — of — and to the said E. F.

I [or we], the undersigned, being a creditor [or creditors] of the above-named E. F. to the amount of £ — and holding the following securities, namely [here the nature of the securities claimed, and whether legal or equitable, to be fully stated], do hereby require you (or some or one of you) to pay off my [or our] said debt or demand within — [not less than six calendar months] from the receipt by you of this notice.

Dated this — day of —

(Signed) G. H.

##### II.

##### COUNTER-NOTICE BY LIQUIDATORS,

##### *The Liquidation Act, 1863.*

To G. H.

We, the undersigned, being the assignees in bankruptcy [or as the case may be] of the estate of E. F., do hereby give you notice that we dispute your right to the security, charge, or lien held or claimed by you on a portion of the assets of the estate in respect of the debt or demand of £ — claimed by you.

Dated this — day of —

(Signed) — A. B.  
C. D.

#### CAP. LXIX.

An Act to assimilate the Law in Ireland to the Law in England as to Costs in Actions of Libel.

[31st July, 1868.

“Whereas it is expedient to assimilate the law in Ireland to the law in England as to costs in actions of libel:”

Be it enacted, &c.

1. *When damages under forty shillings plaintiff not to get more costs than damages.*] In all actions for libel, where the jury shall give damages under forty shillings, the plaintiff shall not be entitled to more costs than damages, unless the judge before whom such verdict shall be obtained shall immediately afterwards certify on the back of the record that the libel was wilful and malicious.

2. *To apply to Ireland only. Short title.*] This Act shall not apply to England and Scotland, and for all purposes may be cited as the Libel Act (Ireland), 1868.

#### CAP. LXX.

An Act to amend “The Railways (Ireland) Act, 1851,” “The Railways (Ireland) Act, 1860,” and “The Railways (Ireland) Act, 1864,” as to the Trial of Traverses.

[31st July, 1868.

14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71.

1. *Short title.*

2. *Provision for trial of traverse in county other than that in which lands are situate.*

3. *When application for trial of traverse to be made.*

4. *Construction of Acts.*

5. *Jurisdiction out of term time.*

## CAP. LXXI.

An Act for conferring Admiralty Jurisdiction on the County Courts. [31st July, 1868.

Be it enacted &c.

1. *Short title.*] This Act may be cited as the County Courts Admiralty Jurisdiction Act, 1868.

2. *Appointment of county courts for admiralty purposes.*] If at any time after the passing of this Act it appears to her Majesty in council, on the representation of the Lord Chancellor, expedient that any county court should have admiralty jurisdiction, it shall be lawful for her Majesty, by order in council, to appoint that court to have admiralty jurisdiction accordingly, and to assign to that court as its district for admiralty purposes any part or parts of any one or more district or districts of county courts; and the district so constituted for that court, with the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof, shall be deemed its district for admiralty purposes; and accordingly the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district, as if the same was the district of the court for all purposes; and, from a time to be specified in each such order, this Act shall have effect in and throughout the district so constituted; and any such order may be from time to time varied as seems expedient; and a county court so appointed to have admiralty jurisdiction, and no other county court, shall, for the purposes of this Act, be deemed a county court having admiralty jurisdiction: provided that no judge of a county court, except the judges of the London court, shall have jurisdiction in the city of London.

3. *Extent of admiralty jurisdiction of county courts.*] Any county court having admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine, subject and according to the provisions of this Act, the following causes (in this Act referred to as admiralty causes):

- (1.) As to any claim for salvage—any cause in which the value of the property saved does not exceed £1,000, or in which the amount claimed does not exceed £300:
- (2.) As to any claim for towage, necessities, or wages—any cause in which the amount claimed does not exceed £150:
- (3.) As to any claim for damage to cargo, or damage by collision—any cause in which the amount claimed does not exceed £300:
- (4.) Any cause in respect of any such claim or claims as aforesaid, but in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree, by a memorandum signed by them or by their attorneys, or agents, that any county court having admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.

4. *Restrictions on county court jurisdiction in certain cases.*] Nothing in this Act, or in any order in council under it, shall confer on a county court jurisdiction in any prize cause, or in any other matter within the Naval Prize Act, 1864, or in any matter arising under any of the Acts for the suppression of the slave trade, or any admiralty jurisdiction by way of appeal.

5. *No county court other than that appointed to have jurisdiction.*] From and after the time specified in each order in council under this Act appointing a county court to have admiralty jurisdiction within any district as the time from which this Act shall have effect in and throughout that district, no county court, other than the county court so appointed, shall have jurisdiction within that district in any admiralty cause; provided that all admiralty causes at that time pending in any county court within that district may be continued as if no such order in council had been made.

6. *As to transfer from county court by order of High Court of Admiralty.*] The High Court of Admiralty of England, on motion by any party to an admiralty cause pending in a county court, may, if it shall think fit, with previous notice to the other party, transfer the cause to the High Court of Admiralty, and may order security for costs, or impose such other terms as to the Court may seem fit.

7. *As to transfer of causes by order of county court to High*

*Court of Admiralty.*] If during the progress of an admiralty cause in a county court it appears to the Court that the subject matter exceeds the limit in respect of amount of the admiralty jurisdiction of the Court, the validity of any order or decree theretofore made by the Court shall not be thereby affected, but (unless the parties agree, by a memorandum signed by them or by their attorneys or agents, that the Court shall retain jurisdiction the Court shall by order transfer the cause to the High Court of Admiralty; but that Court may, nevertheless, if the judge of that court in any case thinks fit, order that the cause shall be prosecuted in the county court in which it was commenced, and it shall be prosecuted accordingly.

8. *As to transfer of causes to other county courts or Court of Admiralty.*] If during the progress of an admiralty cause in a county court it shall appear to the Court that the cause could be more conveniently prosecuted in some other county court, or in the High Court of Admiralty of England, the Court may by order transfer it to such other county court, or to the High Court of Admiralty of England, as the case may be, and the cause shall thenceforward be so prosecuted accordingly.

9. *Restrictions on proceedings in the Court of Admiralty or superior court.*] If any person shall take in the High Court of Admiralty of England or in any superior court proceedings which he might, without agreement, have taken in a county court, except by order of the judge of the High Court of Admiralty, or of such superior court, or of a county court having admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the county court in that admiralty cause is limited by this Act, and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty, or in any superior court, in respect of property saved, the value of which when saved does not exceed £1,000, he shall not be entitled to costs, and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty, or of a superior court, before whom the cause is tried or heard, shall certify that it was a proper admiralty cause to be tried in the High Court of Admiralty of England or in a superior court.

10. *Powers, &c, of judges and registrars.*] In an admiralty cause in a county court the cause shall be heard and determined in like manner as ordinary civil causes are now heard and determined in county courts; save and except that in any admiralty cause of salvage, towage, or collision the county court judge shall, if he think fit, or on the request of either party to such cause, be assisted by two nautical assessors in the same way as the judge of the High Court of Admiralty is now assisted by nautical assessors.

11. *Power to judge to summon nautical assessors to his assistance.*] In any such admiralty cause as last aforesaid it shall be lawful for the judge of the county court, if he think fit, and he shall, upon request of either party, summon to his assistance in such manner as general orders shall direct two nautical assessors, and such nautical assessors shall attend and assist accordingly.

12. *Decree in admiralty causes to have same force as those in civil causes.*] The decree of the county court in an admiralty cause shall be enforced against the person or persons summoned as the defendant or defendants in the same manner as the decrees of the said court are enforced in ordinary civil causes, save and except as in this Act otherwise provided.

13. *Admiralty causes to be heard at usual courts.*] The judge of every county court having admiralty jurisdiction shall hear and determine admiralty causes at the usual courts held within his jurisdiction, or at special courts to be held by him, and which he is hereby required to hold as soon as may be after he shall have had notice of an admiralty cause having arisen within the jurisdiction of this Court.

14. *Appointment of assessors in county court.*] The registrar of each county court having admiralty jurisdiction shall as from time to time frame a list, to be approved by the judge of the High Court of Admiralty before whom the same shall be laid by the county court judge, and without whose approval it shall have no validity, of assessors, or persons of nautical skill and experience residing or having places of business within the district of the county court, to act as assessors in



that court, and shall cause the list to be published in the *London Gazette*.

15. *Attendance of assessors.*] Every person named in the list of assessors so framed and approved shall attend the county court under such circumstances, and in such rotation and subject to such regulations, and shall receive such fees for his attendance, as general orders shall direct, and for every wilful non-attendance shall be liable, at the discretion of the Court, to a penalty not exceeding five pounds.

16. *Removal of assessors.*] Every assessor named in such list shall hold his office until a new list of assessors shall have been framed and approved as aforesaid, or until he shall resign his appointment.

17. *Remuneration of registrars.*] The registrars of the county courts shall be remunerated for their duties in admiralty causes by receiving for their own use such fees as general orders shall direct.

18. *Scale of costs.*] A scale of costs and charges in admiralty causes in the county courts shall be prescribed by general orders.

19. *Power to registrars to administer oaths and take evidence.*] The registrar of a county court shall have power to administer oaths in relation to any admiralty cause in a county court; and any person who shall wilfully depose or affirm falsely before the registrar in any admiralty cause shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury.

20. *Evidence before registrar receivable in admiralty court.*] Evidence taken in any admiralty cause before the registrar of a county court as the judge of a county court or general orders shall direct, shall be received as evidence in any other county court, saving all just exceptions; and the registrar of any county court shall, for the purpose of the examination of any witnesses within the district of that court, have all the like powers and authorities of an examiner of the High Court of Admiralty of England, and evidence taken by him in that capacity shall be received as evidence in the High Court of Admiralty of England, saving all just exceptions.

21. *As to proceedings in county court for commencement of cause.*] Proceedings in an admiralty cause shall be commenced—

- (1) In the county court having admiralty jurisdiction within the district of which the vessel or property to which the cause relates is at the commencement of the proceedings;
- (2) If the foregoing rule be not applicable, then in the county court having admiralty jurisdiction in the district of which the owner of the vessel or property to which the cause relates, or his agent in England resides, or if such owner or agent does not reside within any such district, then in the county court having admiralty jurisdiction the district whereof is nearest to the place where such owner or agent resides;
- (3) If for any reason the last foregoing rule is not applicable, or cannot be acted on, then in such county court having admiralty jurisdiction as general orders direct;
- (4) In any case in the county court or one of the county courts having admiralty jurisdiction in which the parties by a memorandum, signed by them or by their attorneys or agents, agree shall have jurisdiction in the cause.

22. *Limitation of arrest.*] In an admiralty cause in a county court, if evidence be given to the satisfaction of the judge, or in his absence the registrar of the court, that it is probable that the vessel or property to which the cause relates will be removed out of the jurisdiction of the Court before the plaintiff's claim is satisfied, it shall be lawful for the said judge, or in his absence for the registrar, to issue a warrant for the arrest and detention of the said vessel, or property, unless or until bail to the amount of the claim made in such cause, and to the reasonable costs of the plaintiff in such cause, be entered into and perfected, according to general orders, by or on behalf of the owner of the vessel or property or his agent, or other the defendant in such cause; and, except as in this section expressly provided,

there shall be no arrest or detention of a vessel or property in an admiralty cause in a county court [otherwise than in execution].

23. *Power to issue process.*] For the execution of any decree or order of a county court in an admiralty cause the Court may order, and the registrar on such order may seal and issue, and any officer of any county court may execute, process according to general orders; provided that where under such process a vessel or property would or might be sold, then if the owner of the vessel or property desires that the sale should be conducted in the High Court of Admiralty instead of in the county court, he shall be entitled, on security for costs being first given, and subject and according to such other provisions as general orders direct, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of the subsequent proceedings in the cause, to the High Court of Admiralty, which Court shall have jurisdiction and all powers and authorities relating thereto accordingly.

24. *Registration of decrees and orders.*] Such decrees and orders of county courts in admiralty causes as general orders shall direct shall be registered with the registrar of county court judgments in London in such manner as general orders shall direct.

25. *Concurrent jurisdiction of the Court of Passage.*] The Court of Passage of the Borough of Liverpool shall, upon an order in council being made which shall appoint the county court of Lancashire holden at Liverpool to have admiralty jurisdiction, have the like jurisdiction, powers, and authorities as by that order are conferred on the said county court; but nothing herein shall be deemed to enlarge the area over which the jurisdiction of the Court of Passage extends, or to alter the rules and regulations for holding the said court, or to take away or restrict any jurisdiction, power, or authority already vested in that court; and fees received in that court under this Act shall be dealt with as fees received in that court under its ordinary jurisdiction.

26. *Appeal to Court of Admiralty.*] An appeal may be made to the High Court of Admiralty of England from a final decree or order of a county court in an admiralty cause and, by permission of the judge of the county court, from, any interlocutory decree or order therein, on security for costs being first given, and subject to such other provisions as general orders shall direct.

27. *Time for appeal.*] No appeal shall be allowed unless the instrument of appeal is lodged in the registry of the High Court of Admiralty within ten days from the date of the decree or order appealed from, but the judge of the High Court of Admiralty of England may, on sufficient cause being shown to his satisfaction for such omission, allow an appeal to be prosecuted, notwithstanding that the instrument of appeal has not been lodged within that time.

28. *Agreement not to appeal.*] No appeal shall be allowed if, before the decree or order is made, the parties shall have agreed by a memorandum signed by them, or by their attorneys or agents, that the decree or order shall be final; and any such agreement need not be stamped, except in respect of any fee imposed by general orders.

29. *As to appeals to the Queen in council.*] There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from a county court, except by express permission of the judge of the High Court of Admiralty.

30. *Costs of appeal.*] On an appeal under this Act, when the appellant is unsuccessful, he shall pay the costs of the appeal, unless the Appellate Court shall otherwise direct.

31. *No appeal unless amount exceeds £50.*] No appeal shall be allowed unless the amount decreed or ordered to be due exceeds the sum of £50.

32. *Conduct of sale, &c., in Court of Admiralty.*] On an appeal under this Act, the judge of the High Court of Admiralty, if it appears to him expedient that any sale decreed or ordered to be made of the vessel or property to which the cause relates should be conducted in the High Court of Admiralty instead of in the county court from which the appeal is brought, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings in the cause, to the High Court of



Admiralty, which Court shall have jurisdiction and all powers and authorities relating thereto accordingly.

33. *In certain cases causes may be transferred by county court and appeals made to Court of Admiralty of the Cinque Ports.* In all cases which shall arise within the jurisdiction of the Cinque Ports, as defined by the Act 1st and 2nd George the Fourth, chapter 76, section 18, causes may be transferred by the county court and appeals made to the Court of Admiralty of the Cinque Ports in lieu of the High Court of Admiralty; and in the case of appeals the instrument of appeal shall be lodged in the registry of the Cinque Ports, and the same discretion vested in the judge official and commissary of the said Cinque Ports Court as is by this Act vested in the judge of the High Court of Admiralty.

34. *County Court Acts applied to this.* This Act shall be read as one Act with so much of the County Courts Act, 1846, and the Acts amending or extending the same, as is now in force.

35. *Practice, &c., to be regulated by general orders.* General orders shall be from time to time made under this Act for the purposes in this Act directed, and for regulating the practice and procedure of the admiralty jurisdiction of the county courts, the forms of processes and proceedings therein or issuing therefrom, and the days and places of sittings for admiralty causes, the duties of the judges and officers thereof, and the fees to be taken therein.

36. *Authority for making general orders.* General orders under this Act shall be made by the Lord Chancellor, with the advice and assistance of the judge of the High Court of Admiralty of England, and, as far as they relate to fees, or to the receipt and expenditure of and accounting for money, with the approval of the commissioners of her Majesty's Treasury.

#### CAP. LXXXII.

An Act to amend the Law relating to Promissory Oaths. [31st July, 1868.

#### CAP. LXXXIII.

An Act to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament. [31st July, 1868.

#### CAP. LXXXIV.

An Act to extend the Powers of Poor Law Inspectors and Medical Inspectors in Ireland. [31st July, 1868.

#### CAP. LXXXV.

An Act to amend the Law relating to Petit Juries in Ireland. [31st July, 1868.

#### CAP. LXXXVI.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers. [31st July, 1868.

#### CAP. LXXXVII.

An Act to amend the Law relating to Appeals from the Court of Divorce and Matrimonial Causes in England. [31st July, 1868.

Be it enacted &c.

1. *Interpretation.* Throughout this Act the expression "the Court" shall mean the Court for Divorce and Matrimonial Causes.

2. 20 & 21 *Vict. c. 85, s. 56, 21 & 22 Vict. c. 108, s. 17, and 23 & 24 Vict. c. 144 s. 3, repealed.* Section 56 of 20 & 21 *Vict. c. 85, s. 17 of 21 & 22 Vict. c. 108, and s. 3 of 23 & 24 Vict. c. 144, are repealed.*

3. *Appeals to House of Lords to be within one month. No appeal in undefended suits for dissolution unless by leave of*

*Court.* Either party dissatisfied with the final decision of the Court on any petition for dissolution or nullity of marriage may, within one calendar month after the pronouncing thereof, appeal therefrom to the House of Lords, and on the hearing of any such appeal the House of Lords may either dismiss the appeal or reverse the decree, or remit the case to be dealt with in all respects as the House of Lords shall direct; provided always, that in suits for dissolution of marriage no respondent or co-respondent, not appearing and defending the suit on the occasion of the decree nisi being made, shall have any right of appeal to the House of Lords against the decree when made absolute, unless the Court, upon application made at the time of the pronouncing of the decree absolute, shall see fit to permit an appeal.

4. *Liberty to parties to marry again.* Section 57 of the said Act of 21 *Vict. c. 85*, shall be read and construed with reference to the time for appealing as varied by this Act; and in cases where under this Act there shall be no right of appeal, the parties respectively shall be at liberty to marry again at any time after the pronouncing of the decree absolute.

5. *Short title.* This Act may be cited as "The Divorce Amendment Act, 1868."

6. *Qualified retrospective operation.* This Act shall extend to all suits pending at the time when the same shall come into operation, notwithstanding that a decree may have been pronounced therein; provided nevertheless, that this Act shall not affect any pending appeal, nor shall the same prejudice any subsisting right of appeal against a decree already pronounced, provided such appeal be lodged within one calendar month after this Act shall come into operation.

#### CAP. LXXXVIII.

An Act to amend the Law relating to Proceedings instituted by the Admiralty; and for other Purposes connected therewith. [31st July, 1868.

Be it enacted &c.

1. *Short title.* This Act may be cited as "The Admiralty Suits Act, 1868."

2. "*The Admiralty.*" In this Act the term "the Admiralty" means the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the Office of Lord High Admiral.

3. *Power to Admiralty to institute actions, &c., as to naval stores, &c.* The Admiralty may institute any action, suit, or proceeding concerning naval or victualling stores, or other her Majesty's stores, goods, or chattels under the charge or control of the Admiralty, or any stores, goods, or chattels sold or contracted to be delivered to or by the Admiralty for the use or on account of her Majesty, or the price to be paid for the same, or any loss or injury of or to any such stores, goods, or chattels as aforesaid, or concerning any contract with the Admiralty relative to the execution of any work, or the doing of any thing, or concerning any matter arising under or in relation to any such contract, or concerning any periodical or other payment or due payable to the Admiralty, or concerning any debt, damages, claim, demand, or cause of action or suit whatever arising out of any matter in anywise relating to the rights, powers, or duties of the Admiralty, or to property vested in or purchased by or being under the management or control of the Admiralty, in like manner and form (as nearly as may be) as if the question in dispute were one between subject and subject.

4. *Style of Admiralty in suits, &c.* In any such action, suit, or proceeding the Admiralty may be styled "the Lord High Admiral of the United Kingdom" or "the Commissioners for executing the office of Lord High Admiral of the United Kingdom," (as the case requires), without more; and any such action, suit, or proceeding shall not be affected by any change in the Admiralty.

5. *Costs in suits, &c.* In any such action, suit, or proceeding the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary law and practice relative to costs.

6. *Nothing to affect legal rights, &c., of the Crown, &c.* Nothing in this Act (except as expressly otherwise provided) shall take away or abridge in any such action, suit, or pro-

ceeding any legal right, privilege, or prerogative of the Crown; and in all such actions, suits, and proceedings, and in all matters and proceedings connected therewith, the Admiralty may exercise and enjoy all such rights, privileges, and prerogatives as are for the time being exercisable and enjoyable in any proceeding in any court of law or equity by the Crown as if the Crown were actually a party to such action, suit, or proceeding.

7. *Power reserved to her Majesty to proceed by information, &c.* Notwithstanding anything in this Act, it shall be lawful for her Majesty, her heirs and successors, if and when it seems fit, to proceed by information in the Court of Exchequer, or by any other crown process, legal or equitable, in any case in which it would have been competent for her Majesty, her heirs or successors, so to proceed if this Act had not been passed.

## CAP. LXXIX.

An Act to further amend the Law relating to Railway Companies. [31st July, 1868.]

1. *Continuance of restriction on execution against property.*
2. *Short title.*

## CAP. LXXX.

An Act to amend the Contagious Diseases Act, 1866. [31st July, 1868.]

## CAP. LXXXI.

An Act to authorise Loans of Public Money to the Portpatrick and the Belfast and County Down Railway Companies, and a Payment to the Portpatrick Company in consequence of the Abandonment of the Communication between Donaghadee and Portpatrick. [31st July, 1868.]

## CAP. LXXXII.

An Act to abolish the Power of levying the Assessment known as "Rogue Money," and in lieu thereof to confer on the Commissioners of Supply of Counties in Scotland the Power of levying a "County General Assessment." [31st July, 1868.]

## CAP. LXXXIII.

An Act to afford greater Facilities for the Ministrations of Army Chaplains. [31st July, 1868.]

## CAP. LXXXIV.

An Act to amend in several Particulars the Law of Entail in Scotland. [31st July, 1868.]

## CAP. LXXXV.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and sixty-nine, and to appropriate the Supplies granted in this Session of Parliament. [31st July, 1868.]

## CAP. LXXXVI.

An Act to enable Assignees of Marine Policies to sue thereon in their own Names. [31st July, 1868.]

"Whereas it is expedient that the Assignees of Marine Policies of Insurance should be enabled to sue thereon in their own names:"

Be it enacted &c.

1. *Assignees of marine policies may sue thereon in their own names.* Whenever a policy of insurance on any ship, or on any goods in any ship, or on any freight, has been assigned, so as to pass the beneficial interest in such policy to any person entitled to the property thereby insured, the assignee of such policy shall be entitled to sue thereon in his own name; and the defendant in any action shall be entitled to make any defence which he would have been entitled to make if the said action had been brought in the name of the person by whom or for whose account the policy sued upon was effected.

2. *Assignment by endorsement.* It shall be lawful to make any assignment of a policy of insurance by endorsement on the policy in the words or to the effect set forth in the schedule hereto.

3. *Interpretation of terms.* For the purposes and in the construction of this Act the term "policy of insurance" or "policy" shall mean any instrument by which the payment of money is assured or secured on the happening of any of the contingencies named or contemplated in the instrument of assurance known as "Lloyd's policy," or in any other form adopted for insuring ships, freights, and goods carried by sea.

4. *Short title.* This Act may be cited for all purposes as "The Policies of Marine Assurance Act, 1868."

## SCHEDULE.

## Form of assignment.

I, A.B., of, &c., do hereby assign unto C.D., &c., his executors, administrators, and assigns, the within policy of assurance on the ship, freight, and the goods therein carried [or on ship or freight, or goods, as the case may be].

In witness whereof, &c.

## CAP. LXXXVII.

An Act to amend the Act of the Twenty-sixth and Twenty-seventh Years of the Reign of her present Majesty, Chapter Fifty-two, intituled An Act to further extend and make compulsory the Practice of Vaccination in Ireland. [31st July, 1868.]

## CAP. LXXXVIII.

An Act for transferring the Fee and other Funds of the Courts of Chancery and Exchequer in Ireland to the Consolidated Fund. [31st July, 1868.]

## CAP. LXXXIX.

An Act to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office. [31st July, 1868.]

1. *Security for costs of inquiries to be taken by commissioners.*
2. *Valuations to be stamped.*
3. *Costs of taxation, how to be recovered.*
4. *Power to commissioners to enforce production of documents belonging to inclosure.*
5. *Commissioners to ascertain and allow proportionate payment to valuer or surveyor.*
6. *Commissioners to prepare a table of fees.*

## CAP. XC.

An Act to empower certain Public Departments to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased. [31st July, 1868.]

## CAP. XCI.

An Act to settle an Annuity upon Lieutenant General Sir Robert Napier, G.C.B., G.C.S.I., and the next surviving Heir Male of his Body, in consideration of his eminent Services. [31st July, 1868.]

## CAP. XCII.

An Act to declare the Powers of the General Assembly of New Zealand to abolish any Province in that Colony, or to withdraw from any such Province any Part of the Territory thereof. [31st July, 1868.]

## CAP. XCIII.

An Act to remove Doubts respecting the Operation of the New Zealand Company's Act of the Ninth and Tenth Years of Victoria, Chapter Three hundred and eighty-two (Local and Personal). [31st July, 1868.]

## CAP. XCIV.

An Act to authorise the further Extension of the Period for Repayment of Advances made under the Railway Companies (Ireland) Temporary Advances Act, 1866. [31st July, 1868.

## CAP. XCV.

An Act to amend the Procedure in the Court of Justiciary and other Criminal Courts in Scotland. [31st July, 1868.

## CAP. XCVI.

An Act to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in Scotland. [31st July, 1868.

## CAP. XCVII.

An Act to make Provision for the Audit of Accounts of District Lunatic Asylums in Ireland. [31st July, 1868.

## CAP. XCVIII.

An Act to make Provision for the Payment of Salaries to Clerks of the Peace and Clerks of the Crown in certain Boroughs in Ireland. [31st July, 1868.

## CAP. XCIX.

An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provision concerning Turnpike Roads. [31st July, 1868.

## CAP. C.

An Act to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of Scotland, and to make certain Changes in the other Courts thereof. [31st July, 1868.

## CAP. CI.

An Act to consolidate the Statutes relating to the constitution and completion of Titles to Heritable Property in Scotland, and to make certain Changes in the Law of Scotland relating to Heritable Rights. [31st July, 1868.

## CAP. CII.

An Act to alter the Qualifications of the Electors in Places in Scotland under the "General Police and Improvement (Scotland) Act, 1862," or under the Act Thirteen and Fourteen Victoria, Chapter Thirty-three, and to amend the said Acts in certain other respects. [31st July, 1868.

## CAP. CIII.

An Act to amend the Law which regulates the Burials of Persons in Ireland not belonging to the Established Church. [31st July, 1868.

1. *Where burials of persons not belonging to United Church of England and Ireland take place in burial grounds of such Church, priest, &c. of other denomination may perform service.*

2. *Prohibition of interference with burial.*

3. *Notice to be given of the time at which it is proposed that the burial shall take place.*

4. *Lord Lieutenant in council to have power to exempt certain churchyards.*

5. *Extent of Act.*

## CAP. CIV.

An Act to amend the Bankruptcy Act, 1861. [31st July, 1868.

"Whereas it is expedient to amend the Bankruptcy Act, 1861 :—

Be it enacted &c.

1. *No deed, &c., entered into between a debtor and his creditors relating to debts, &c., shall be as valid, &c., as if they*

*were parties to the same unless conditions herein named shall be observed.] No deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor and his release therefrom, or the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be as valid, effectual, and binding on all the creditors of such debtor as if they were parties to and had duly executed the same, unless, in addition to the conditions to be observed in accordance with the provisions of the Bankruptcy Act, 1861, the following conditions shall be observed; that is to say,*

(1.) *Together with such deed or instrument there shall be delivered to the chief registrar a list showing to the best of the knowledge, information, and belief of the debtor or other person by whom the list is made the debts and liabilities of every kind of the debtor, and the times when such debts and liabilities were contracted or incurred, and the considerations for the same, the names, residences, and occupations of his creditors, and the respective amounts due to them, and the securities held by them and the estimated value of such securities.*

(2.) *A statement showing, to the best of the knowledge, information, and belief of the debtor or other person by whom the statement is made, the debtor's property and credits, and the estimated value thereof.*

*The debtor or other person as aforesaid may from time to time, by leave of the Court, add to or amend such list or statement, and every such list, statement, addition, and amendment shall be verified by his affidavit, or by that of some other person able to depose thereto; and when any addition or amendment is made to any such list or statement, the affidavit shall contain the reason why such addition or amendment has been rendered necessary, and why the substance thereof was not contained in the original list or statement.*

2. *Notice to be given of leaving list, &c., in London Gazette, &c., and inspection of list and statements allowed.] Notice of the leaving of such list or statement, and of any amendments or additions thereto, shall be given in the London Gazette, and in some one or more daily paper or papers circulating in the neighbourhood in which the debtor resides or carries on his business, within such time after such list or statement shall have been left as general orders direct; and any person stating himself in writing to be a creditor of such debtor may, personally or by attorney or agent, inspect the lists or statements, and any additions or amendment, and may, on application in such manner as general orders direct, have a copy thereof or extracts therefrom.*

3. *Creditors assenting to composition deed to prove, &c.] No creditor shall be reckoned in the computation of the requisite majority in number representing three fourths in value of the creditors of the debtor executing such deed or instrument unless he proves his debt by affidavit or declaration in the manner and subject and according to the provisions to be prescribed by general orders; and in the computation of the requisite value of such creditors, and for all other purposes of the deed, the amount due to each creditor, after deducting the value of the securities held by him on the debtor's property shall alone be reckoned; and notwithstanding anything in the Bankruptcy Act 1861, the time for the production and leaving of any such deed or instrument at the office of the chief registrar as therein provided shall be twenty-eight days from the day of the execution thereof by the debtor, or such further time as the Court may allow.*

4. *Proof to be filed. Power of inspection by creditors.] Every affidavit or declaration of proof by the creditors of such debtor shall be filed with the chief registrar within such time as general orders direct, and the filing of every such affidavit shall be entered by the chief registrar in a book to be kept by him as filed in the matter of the deed or instrument executed by such debtor; and any person stating himself in writing to be a creditor of such debtor may personally or by attorney or agent, inspect such book, and also every affidavit or declaration filed in the matter of the deed or instrument executed by the debtor, and may, in such manner as general orders direct, have copies thereof or extracts therefrom.*

5. *Provisions for examination of debtor or creditor.] Any creditor of a debtor executing any such deed or instrument*



whose debt shall exceed ten pounds, may at any time after the registration of the deed or instrument, apply for and obtain from the Court a summons requiring such debtor, or any creditor or person stated to be a creditor of such debtor, or any person whom the said Court shall believe to be capable of giving any information concerning the dealings and transactions of the debtor, to appear at the said court upon a day and time to be named in such summons, and then and there to be examined concerning the dealings and transactions of any such debtor, or dealings and transactions of the creditor so summoned with the debtor, or the debt due or stated to be due from the debtor to such creditor; and such debtor or creditor or other person as the case may be, shall be bound to attend at the time and place named in the summons, and to submit himself to examination; and at the conclusion of such examination the Court shall determine by whom the whole or any part of the expense of procuring the attendance and of the attendance of the person examined, and of his examination, and of the attendance of all other parties properly attending such examination, shall be borne, whether by the creditor procuring the summons or by the person examined, or by the debtor, or by the trustees or inspectors of his estate, either personally or out of the estate of the debtor, or by the estate of the debtor, or otherwise; and an order shall be draw up by the Court in accordance with such determination, and be enforced against the parties bound by such order in the same manner that orders of the Court of Bankruptcy are enforced; but nothing in this section shall take away or abridge any jurisdiction or authority belonging to the Court independently thereof.

6. *Notice to debtor and trustees of deed.*] The creditor procuring such summons shall give notice to the trustees or inspectors (if any) acting under the deed or instrument, and (where the summons is directed to a creditor) to the debtor, of the time and place appointed for the examination. The debtor, trustees, or inspectors shall be at liberty to attend such examination, and to take part therein, subject to the direction of the Court.

7. *In change from bankruptcy to arrangement creditors assenting to prove, &c.*] In case of a deed of arrangement under section 187 of the Bankruptcy Act, 1861, no creditor shall be reckoned in the computation of the requisite majority in number and value of the creditors of the bankrupt unless he proves his debt by affidavit or declaration in the manner and subject and according to the provisions to be prescribed by general orders; and in the computation of the requisite value of such creditors, and for all other purposes of the deed, the amount due to each creditor, after deducting the value of the securities held by him on the bankrupt's property, shall alone be reckoned.

8. *Description of court to have jurisdiction under deed.*] The Court which shall have and exercise all jurisdiction given by the Bankruptcy Act, 1861, and this Act, under any deed or instrument made by an arranging debtor, shall, if the debtor is a bankrupt, be the Court having jurisdiction in the bankruptcy, and if he is not a bankrupt, the Court in which a petition by him for adjudication of bankruptcy against himself would at the time of the execution or (in case of registration) of the registration of the deed or instrument be required to be filed; but the Court of Bankruptcy in London may order all or any of the applications under any deed or instrument to be made or prosecuted in any court, without regard to the district in which the debtor resided or carried on business or the amount of his debts; provided that any proceeding *bona fide* taken in any court shall not be impeachable by reason of its appearing that the jurisdiction was in some other court, but the Court in which such proceeding is pending may transmit the papers to the proper court.

9. *Power to make general orders.*] The Lord Chancellor shall, with the assistance of two commissioners, and subject to the provisions of the Bankruptcy Act, 1861, frame general orders for the following purposes:

For regulating the several forms of the lists, statements, affidavits, declarations, advertisements, orders, and all other proceedings to be used in all matters under this Act;

For the reception and custody of all documents required to be produced, left, or filed in accordance with this Act, and the inspection of such documents by any creditors or person entitled to inspect the same, and for the delivery of copies thereof;

For regulating the duties of the various officers of the Court of Bankruptcy in accordance with this Act;

For regulating the fees payable for matters done under this Act;

And generally for carrying this Act into effect:

And the Lord Chancellor, with such assistance, may from time to time amend, alter, vary, or annul any of such general orders.

10. *Notices as to deeds, &c.*] Section 202 of the Bankruptcy Act, 1861, shall extend and apply to notices concerning deeds or instruments made by arranging debtors.

11. *Affidavits, warrants, &c.*] In addition to the officers and persons enumerated in section 207 of the Bankruptcy Act, 1861, affidavits, declarations, or affirmations required to be sworn or made in relation to any matter under that Act or this Act may be sworn, made, or taken before such of the officers or clerks in the Court of Bankruptcy as the Lord Chancellor by order shall from time to time appoint for the purpose; and every order, warrant, certificate, or proceeding in the Court of Bankruptcy required by law to be signed by a commissioner may, in lieu of being so signed, be under the hand of a registrar and the seal of the court.

12. *Penalty on persons giving false affidavit.*] Any person who shall, upon any examination upon oath or affirmation, or in any affidavit, deposition, or declaration, or solemn affirmation, authorised or directed by this Act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the penalties of wilful and corrupt perjury.

13. *As to payment, &c., of fees.*] The provisions with respect to the payment and appropriation of fees contained in or incorporated with the Bankruptcy Act, 1861, shall be incorporated with this Act, and apply to the fees to be taken and received under the provisions of this Act.

14. *Limit of Act.*] This Act shall not extend to Scotland or Ireland.

15. *Commencement of Act. Short title.*] This Act shall commence and take effect on the 11th day of October, 1868, and shall be construed together with so much of the Bankrupt Law Consolidation Act, 1849, the Bankruptcy Act, 1854, and the Bankruptcy Act, 1861, as is in force, as one Act, and may be cited for all purposes as the Bankruptcy Amendment Act, 1868.

#### CAP. CV.

An Act for enabling Her Majesty to accept a surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and for admitting the same into the Dominion of Canada. [31st July, 1868.]

#### CAP. CVI.

An Act for the Prevention of the holding of unlawful Fairs within the Limits of the Metropolitan Police District. [31st July, 1868.]

Be it enacted &c.

1. *Short title.*] This Act may be cited for all purposes as "The Metropolitan Fairs Act, 1868."

2. *Power to summon owner and occupier of ground on which fair is held.*] Where any fair is holden or notice is given of any fair proposed to be holden on any ground within the metropolitan police district other than that on which a fair has been holden during each of the seven years immediately preceding, it shall be competent for the commissioner of police to direct one of the superintendents of the metropolitan police force to summon the owner or occupier of the ground upon which such fair is holden to appear before a magistrate forthwith, or at any time to be specified in the summons, to show his right and title to hold such fair; and if such owner or occupier do not attend in pursuance of such summons, or does not show to the magistrate who hears the case sufficient cause to believe that such fair is lawfully holden, the magistrate shall declare in writing such fair to be unlawful, and the commissioner shall give notice of such declaration by causing copies thereof to be affixed on and near the ground where such fair is holden or pro-



posed to be holden; and after such notice has been affixed for the space of six hours the commissioner of police may direct any constable to remove every booth, standing and tent, and every carriage of whatsoever kind, conveyed to or being upon the ground for the purpose of holding or continuing such fair, and to take into custody every person erecting, pitching, or fixing, or assisting to erect, pitch, or fix any such booth, standing, or tent; and every person hiring, accompanying, or conveyed in every such carriage, and every person resorting to such ground with any show or instrument of gambling or amusement, and every person convicted before a magistrate of any of the offences aforesaid, shall be liable to a penalty of not more than £10.

3. *Service of summons.*] A summons under this Act may be served on the owner or occupier of any ground personally or by leaving the same at his usual or last known place of abode, or, if the name of such owner or occupier or his place of abode is not known to the police, by putting up such summons in a conspicuous place on the ground where the fair is holden or proposed to be holden, and it shall not be necessary to name the owner or occupier in the summons, but he may be described as the owner or occupier of the ground.

4. *Act cumulative.*] All powers conferred by this Act shall be deemed to be in addition to, and not in derogation of, any other powers conferred by any other Act of Parliament, and any such other powers may be exercised as if this Act had not passed.

5. *Construction of Act.*] This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Acts relating to the metropolitan police.

## CAP. CVII.

An Act to amend the Law relating to the Indorsing of Warrants in Scotland, Ireland, and the Channel Islands. [31st July, 1868.]

Be it enacted &c.

1. 11 & 12 Vict. c. 42, to be cited as "*The Indictable Offences Act, 1848.*") The Act of the session holden in the 11th & 12th Vict. c. 42, intituled An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with Indictable Offences, is hereinafter referred to and may be cited for all purposes as "*The Indictable Offences Act, 1848.*"

2. *Short Title.*] This Act may be cited for all purposes as "*The Indictable Offences Act Amendment Act, 1868.*"

3. *Construction of Act.*] This Act, so far as is consistent with the tenor thereof, shall be construed as one with the said Indictable Offences Act, 1848, and any Act amending the same.

4. *Warrants issued in Scotland or Ireland, how to be backed in the Channel Islands, and vice versa.*] In the following cases, that is to say,

Where a warrant is issued against any person by any competent magistrate in Scotland or Ireland, and such person goes or is supposed to have gone into any of the Channel Islands; or

Where a warrant is issued against any person by any competent magistrate in any of the Channel Islands, and such person goes or is supposed to have gone into Scotland or Ireland;

any competent magistrate having jurisdiction over the place where such person is or is supposed to be may indorse such warrant in manner provided by the Indictable Offences Act, 1840, or as near thereto as circumstances admit.

Any such warrant when so indorsed shall be a sufficient authority to the person or persons bringing the same, and to all persons to whom the same was originally directed, and also to all constables within the limits of the jurisdiction of the magistrate who indorsed the same, to execute such warrant within such last-mentioned limits, and to convey the person when apprehended to any place or places within the limits of the jurisdiction of the magistrate who issued the warrant and to bring him before that magistrate or before any other magistrate having jurisdiction over such place or places as aforesaid; and any magistrate before whom the person so apprehended is brought may proceed in the same manner as if such person had been apprehended within his jurisdiction.

5. *Definition of terms.*] For the purpose of this Act "competent magistrate" shall mean—

In Scotland,—

The Lord Justice General, the Lord Justice Clerk, any of the Lords Commissioners of Justiciary, any sheriff or steward depute or substitute, or any justice of the peace;

In Ireland,—

Any justice of the peace, or any judge of her Majesty's Court of Queen's Bench, or any justice of oyer and terminer or of gaol delivery;

In the Channel Islands,—

In Jersey, the bailiff or any lieutenant bailiff within his bailiwick or jurisdiction;

In Guernsey, the bailiff or any lieutenant bailiff within his bailiwick or jurisdiction;

In Alderney, the Judge of Alderney, or in his absence any jurat of such island;

In Sark, the seneschal of Sark, or in his absence his deputy within such island;

"Constable" shall include any peace officer or person authorized to apprehend persons charged with offences;

"Warrant" shall include any process in the nature of a warrant.

## CAP. CVIII.

An Act to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in Scotland. [31st July, 1868.]

## CAP. CIX.

An Act for the Abolition of compulsory Church Rates. [31st July, 1868.]

Be it enacted &c.

1. *Compulsory church rates abolished.*] From and after the passing of this Act no suit shall be instituted or proceeding taken in any ecclesiastical or other court, or before any justice or magistrate, to enforce or compel the payment of any church rate made in any parish or place in England or Wales.

2. *Saving of rates called church rates, but applicable to secular purposes.*] Where in pursuance of any general or local Act any rate may be made and levied which is applicable partly to ecclesiastical purposes and partly to other purposes, such rate shall be made, levied, and applied for such last-mentioned purposes only, and so far as it is applicable to such purposes shall be deemed to be a separate rate, and not a church rate, and shall not be affected by this Act.

Where in pursuance of any Act of Parliament a mixed fund, arising partly from rates affected by this Act and partly from other sources, is directed to be applied to purposes some of which are ecclesiastical purposes, the portion of such fund which is derived from such other sources shall be henceforth primarily applicable to such of the said purposes as are ecclesiastical.

3. *Provision where money is due on security of such rates.*] In any parish where a sum of money is at the time of the passing of this Act due on the security of church rates, or of rates in the nature of church rates, to be made or levied in such parish under the provisions of any Act of Parliament, or where any money in the name of church rate is ordered to be raised under any such provisions, such rates may still be made and levied, and the payment thereof enforced by process of law, pursuant to such provisions, for the purpose of paying off the money so due, or paying the money so ordered to be raised, and the costs incidental thereto, but not otherwise, until the same shall have been liquidated; provided, that the accounts of the churchwardens of such parish in reference to the receipt and expenditure of the money levied under such Acts shall be audited annually by the auditor of the poor law union within whose district such parish shall be situate, unless another mode of audit is provided by Act of Parliament.

4. *Provision as to church rates already made.*] Any church rate, or rate in the nature of church rate, made at any time before the passing of this Act, may be collected and recovered in the same way as if this Act had not been passed.

5. *Not to affect enactments in local Acts, &c., where rates are made for purposes herein named.*] This Act shall not affect any enactment in any private or local Act of Parliament under the authority of which church rates may be made or levied in lieu of, or in consideration of the extinguishment or of the appropriation to any other purpose of, any tithes, customary payments, or other property or charge upon property, which tithes, payments, property, or charge, previously to the passing of such Act, had been appropriated by law to ecclesiastical purposes as defined by this Act, or in consideration of the abolition of tithes in any place, or upon any contract made, or for good or valuable consideration given, and every such enactment shall continue in force in the same manner as if this Act had not passed.

6. *Act not to affect vestries, &c.*] This Act shall not affect vestries, or the making, assessing, receiving, or otherwise dealing with any church rate, save in so far as relates to the recovery thereof; but, subject to the provisions herein-before contained, whensoever any ecclesiastical district having within its limits a consecrated church in use for the purposes of divine worship shall have been legally constituted out of any parish or parishes, and whether such district shall or shall not be a separate and distinct parish, the inhabitants of such district shall not be entitled to vote for or in reference to a church rate or the expenditure thereof at any vestry meeting of the parish or parishes out of which the said district is formed, nor shall they be assessed to any rate made in relation to the parish church of the said parish or parishes, but such inhabitants may assemble in vestry, and, subject to the provisions of this Act, may make and assess a rate in relation to the church of their own district in like manner as if such church were the church of an ancient parish: provided that nothing in this Act contained shall affect any right of burial to which the inhabitants of the district may be entitled in the churchyard of the mother church.

7. *Trustees and others under incapacity may subscribe to voluntary rate.*] It shall be lawful for all bodies corporate, trustees, guardians, and committees who or whose *cestuis que trust* are in the occupation of any lands, houses, or tenements to pay, if they think fit, any church rate made in respect of such property, although the payment of the same may not be enforceable after the passing of this Act, and the same shall be allowed to them in any accounts to be rendered by them respectively.

8. *Regulations as to persons refusing to pay church rates.*] No person who makes default in paying the amount of a church rate for which he is rated shall be entitled to inquire into, or object to, or vote in respect of the expenditure of the moneys arising from such church rate; and if the occupier of any premises shall make default for one month after demand in payment of any church rate for which he is rated, the owner shall be entitled to pay the same, and shall thereupon be entitled, until the next succeeding church rate is made, to stand for all purposes relating to church rates (including the attending at vestries and voting thereat) in the place in which such occupier would have stood.

9. *Power to appoint church trustees.*] A body of trustees may be appointed in any parish for the purpose of accepting, by bequest, donation, contract, or otherwise, and of holding any contributions which may be given to them for ecclesiastical purposes in the parish.

The trustees shall consist of the incumbent and of two householders or owners or occupiers of land in the parish, to be chosen in the first instance, and also from time to time on any vacancy in the office by death, incapacity, or resignation, one by the patron, and the other by the bishop of the diocese in which the parish is situate.

The trustees shall be a body corporate by the name of the church trustees of the parish to which they belong, having a perpetual succession and a common seal, with power to sue and be sued in their corporate name.

The trustees may from time to time, as circumstances may require, pay over to the churchwardens, to be applied by them either to the general ecclesiastical purposes of the parish, or to any specific ecclesiastical purposes of the parish, any funds in their hands, and the funds so paid over may be applied to such purposes, and shall not be applied to any other purpose; provided always, that no power shall be thereby conferred on the churchwardens to take order with regard to the ecclesiastical purposes of the parish further or

otherwise than they are now by law entitled to do: provided also, that due regard shall be had to the directions of the donors of funds contributed for any special ecclesiastical purposes; and, subject as aforesaid,

The trustees may invest in Government or real securities any funds in their hands, and accumulate the income thereof, or otherwise deal with such funds as they think expedient, subject to the provisions of this Act.

The incumbent shall be the chairman of the trustees.

The trustees shall once at the least in every year lay before the vestry an account of their receipts and expenditure during the preceding year, and of the mode in which such receipts have been derived and expenditure incurred, together with a statement of the amount, if any, of funds remaining in their hands at the date of such account.

10. *Definition of "ecclesiastical purposes," "church rate," and "parish."*] In this Act "ecclesiastical purposes" shall mean the building, rebuilding, enlargement, and repair of any church or chapel, and any purpose to which by common or ecclesiastical law a church rate is applicable, or any of such purposes:

"Church rate" shall mean any rate for ecclesiastical purposes as herein-before defined:

"Parish" shall mean any parish, ecclesiastical district, chapelry, or place within the limits of which any person has the exclusive cure of souls.

11. *Short title.*] This Act may be cited as "The Compulsory Church Rate Abolition Act, 1868."

#### CAP. CX.

An Act to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs.  
[31st July, 1868.]

#### CAP. CXI.

An Act to continue various expiring Laws.  
[31st July, 1868.]

#### CAP. CXII.

An Act to amend the Law of Registration in Ireland.  
[31st July, 1868.]

#### CAP. CXIII.

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Blakedown, in the Parish of Hagley, in the County of Worcester.  
[31st July, 1868.]

#### CAP. CXIV.

An Act to amend the Law relating to the Ecclesiastical Commissioners for England.  
[31st July, 1868.]

1. *Short title.*

2. *Definition of property.*

3. *Objects of scheme.*

4. *Capital sum for fabric.*

5. *Order in council confirming scheme to be made, &c., under 3 & 4 Vict. c. 113, ss. 84—89.*

6. *Order to affect transfer without conveyance.*

7. *Saving of trusts.*

8. *Application of transferred property.*

9. *Leases by dean or chapter when re-endowed. See 23 & 24 Vict. c. 124. 5 & 6 Vict. c. 27.*

10. *Settlement of treaty and its terms may be referred to arbitration.*

11. *This Act or 23 & 24 Vict. c. 124, not to affect provisions as to leases, &c., contained in 5 & 6 Vict. c. 108, and 21 & 22 Vict. c. 57.*

12. *Amendment of law relating to schemes for securing the better performance of clerical duties in ill endowed parishes.*

13. *Application of Act to canonries, &c.*

14. *Exemption.*

15. *Section 5 of 29 & 30 Vict. c. 111, to apply to all payments, &c., under 13 & 14 Vict. c. 41, 21 & 22 Vict. c. 58, 29 & 30 Vict. c. 86, and 30 & 31 Vict. c. xxvi.*

## CAP. CXV.

An Act to amend "The Sanitary Act, 1866."

[31st July, 1868.

29 &amp; 30 Vict. c. 90.

Be it enacted &amp;c.

1. *Short title.*] This Act may be cited for all purposes as "The Sanitary Act, 1868."

2. *Application of Act.*] This Act shall not extend to Scotland or Ireland.

3. *Definition of "sewer authority."*] "Sewer authority" in this Act shall have the same meaning as it has in the Sewage Utilisation Act, 1865.

4. *Power to sewer authority in relation to privies.*] The following sections of the Public Health Act, 1848, as amended by any subsequent Act of Parliament, that is to say,

(1.) The fifty-first section, requiring every new house and every house pulled down to or below the ground floor and rebuilt to have a sufficient watercloset or privy and asphalt;

(2.) And the fifty-fourth section, as amended by any subsequent Act of Parliament, providing that the local board of health shall see that drains, waterclosets, privies, and ashpits within their district do not become a nuisance;

shall extend to the district of every sewer authority in which there is no enactment of any public or private Act of Parliament to the like effect in force; and the said sections when so extended shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board," and any officer for the time being appointed by the sewer authority to examine any premises shall be deemed to be the surveyor within the meaning of the said sections.

Where the sewer authority and the nuisance authority of a district are different bodies of men, the jurisdiction of the nuisance authority shall cease within such district in relation to all matters within the purview of the said sections of the Public Health Act, 1848; and any sewer authority to whose district the said sections are extended making default in enforcing their provisions shall be subject to proceedings under the Sanitary Act, 1866, in the same manner as if it had made default in providing its district with sufficient sewers.

5. *Power of sewer authorities to sewerage.*] A sewer authority shall within their district have all the powers vested in a local board by the 32nd section of the Local Government Act, 1858, as amended by any subsequent Act of Parliament, so far as relates to—

(1.) The removal of house refuse from premises;

(2.) The cleansing of privies, ashpits, and cesspools;

and the paragraphs numbered (1), (2), and (3) of the said section shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board."

Where the sewer authority and the nuisance authority are different bodies of men, the jurisdiction of the nuisance authority in such district shall cease in respect to all matters over which the sewer authority acquires powers by this section.

6. *Incorporation of provisions of 11 & 12 Vict. c. 63.*] The provisions of the Public Health Act, 1848, relating to private improvement expenses, as amended by any subsequent Act of Parliament, shall be deemed to be incorporated with this Act, so far as may be required for carrying into effect any provision of this Act.

7. *Earth-closets may in certain cases be constructed instead of watercloset.*] Any enactment of any Act of Parliament in force in any place requiring the construction of a watercloset shall, with the approval of the local authority, be satisfied by the construction of an earth-closet, or other place for the reception and deodorization of fecal matter, made and used in accordance with any regulation from time to time issued by the local authority.

The local authority may as respects any houses in which such earth-closets or other places as aforesaid are in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to the

waterclosets in such houses, on such terms as may be agreed upon between such authority and the persons or body of persons providing or required to provide such supply of water.

The local authority may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorizing substance to any house or houses within their district for the purpose of any earth-closets or other places as aforesaid.

The local authority may themselves construct or require to be constructed earth-closets or other such places as aforesaid in all cases where, under any enactment in force, they might construct waterclosets or privies, or require the same to be constructed, with this restriction, that no person shall be required to construct an earth-closet or other place as aforesaid in any house instead of a watercloset if he prefer to comply with the provisions of the enactment in force requiring the construction of a watercloset, and a supply of water for other purposes is furnished to such house, and that no person shall be put to greater expense in constructing an earth-closet or other place as aforesaid than he would be put to by compliance with the provisions of any enactment as to waterclosets or privy accommodation which he might have been compelled to comply with if this section had not been passed.

Local authority shall, for the purposes of this Act, mean any local board and any sewer authority.

8. *Provision for recovery of expenses by Secretary of State.*]

"Whereas by the 49th section of the Sanitary Act, 1866, power is given to one of her Majesty's Principal Secretaries of State, in case of any sewer authority, local board, or nuisance authority making default in performing the sanitary duties specified in the said section, and imposed on them by Act of Parliament, to appoint a person to perform the same, and to direct by order that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default, and that any order made for the payment of such costs and expenses may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such Court: And whereas it is expedient to make further provision for enforcing payment of any sum so specified as aforesaid in the order of the Secretary of State, together with the costs of the proceedings occasioned by the default made in payment of such sum:

Be it enacted, that the sum so specified in the order of the Secretary of State, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by the authority in default, and to be a debt due from such authority, and payable out of any moneys in the hands of such authority or their officers, or out of any rate applicable to the payment of any expenses properly incurred by the defaulting authority, and which rate is in this section referred to as the local rate; and in the event of any authority refusing to pay any such sum with costs as aforesaid for a period of fourteen days after demand, the Secretary of State may by precept empower any person to levy by and out of the local rate such sum (the amount to be specified in the precept) as may, in the opinion of the said Secretary of State, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the non-payment of such debt; and any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority itself would have in the case of expenses legally payable out of a local rate to be raised by such authority; and the said person or persons, after repaying all sums of money so due in respect of the precept, shall pay the overplus, if any (the amount to be ascertained by the Secretary of State), to or to the order of the defaulting authority.

9. *As to recovery of penalties.*] Penalties under any section incorporated with this Act shall be recovered in manner directed by the Act passed in the session holden in the 11th and 12th years of the reign of her present Majesty, chapter 43.

All powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by any other Act of Parliament, and any



such other powers may be exercised as if this Act had not passed.

Nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would have been liable if this Act had not been passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

10. *Amendment of section 37 of 29 & 30 Vict. c. 90.* The sewer authority, or in the metropolis the nuisance authority, shall have the like power to make provision for the temporary supply of medicine and medical assistance for the poorer inhabitants as it now has to provide hospitals or temporary places for the reception of the sick under the 37th section of "The Sanitary Act, 1866," but such power to make provision for the temporary supply of medicine and medical assistance shall not be exercised without the sanction of her Majesty's Privy Council.

11. *Construction of first part of the Sanitary Act, 1866.* In the construction of the first part of the Sanitary Act, 1866, "owner" shall have the same meaning as it has in the second part of the said Act; and notices may be served for the purposes of the first part of the said Act in the same manner in which they are required to be served under the second part of the said Act.

#### CAP. CXVI.

An Act to amend the Law relating to Larceny and Embezzlement. [31st July, 1868.

1. *Member of co-partnership guilty of converting to his own use, &c., property of co-partnership liable to be tried as if not such member.* If any person, being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods, or effects, bills, notes, securities, or other property, shall steal or embezzle any such money, goods, or effects, bills, notes, securities, or other property of or belonging to any such co-partnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same as if such person had not been or was not a member of such co-partnership or one of such beneficial owners.

2. *Provisions of 18 & 19 Vict. c. 126, extended to embezzlement by clerks or servants.* All the provisions of the Act passed in the session of Parliament held in the 18th and 19th years of her present Majesty's reign, intitled An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases, shall extend and be applicable to the offence of embezzlement by clerks or servants, or persons employed for the purpose or in the capacity of clerks or servants, and the said Act shall henceforth be read as if the said offence of embezzlement had been included therein.

3. *Extent of Act.* This Act shall not extend to Scotland.

#### CAP. CXVII.

An Act to amend the District Church Tithes Act, 1865, and to secure Uniformity of Designation amongst Incumbents in certain cases. [31st July, 1868.

Be it enacted, &c.

1. *Section 9 of 28 & 29 Vict. c. 42, repealed.* The 9th section of the District Church Tithes Act, 1865, shall be and the same is hereby repealed.

2. *Incumbents of certain parishes, &c., to be vicars.* The incumbent of the church of every parish or new parish for ecclesiastical purposes, not being a rector, who is or shall be authorized to publish banns of matrimony in such church, and to solemnize therein marriages, churchings, and baptisms, according to the laws and canons in force in this realm, and who is or shall be entitled to take, receive, and hold for his own sole use and benefit the entire fees arising from the performance of such offices, without any reservation thereof, shall, from and after the passing of this Act, for the purpose of style and designation, but not for any other purpose, be deemed and styled the vicar of such church and parish or new parish, as the case may be, and his benefice shall for the same purpose be styled and designated a vicarage.

#### CAP. CXVIII.

An Act to make further Provision for the good Government and Extension of certain Public Schools in England. [31st July, 1868.

1. *Short Title.*
2. *"School."*
3. *Definition of existing "governing body;" "new governing body."*
4. *Definition of "boys on the foundation."*
5. *Power to governing bodies of schools to which this Act applies to alter their constitutions.*
6. *Governing bodies of schools to which this Act applies to make statutes with respect to matters herein named.*
7. *Power to governing bodies to consolidate and amend existing statutes and regulations.*
8. *Restrictions on making statutes as herein stated.*
9. *All statutes to be laid before the Queen in council.*
10. *Her Majesty in council may approve or disapprove statutes.*
11. *As to repeal or alteration of statutes made in exercise of powers of this Act.*
12. *General power of governing body to make, alter, or annul regulations.*
13. *Appointment of masters.*
14. *Saving of rights as to Harrow and Rugby schools; and of Shrewsbury school.*
15. *Appointment of commissioners.*
16. *Duration of powers of commissioners.*
17. *Vacancy in number of commissioners.*
18. *Commissioners empowered to require production of documents, &c.*
19. *Powers of special commissioners.*
20. *Provisions as to Westminster school.*
21. *Scheme for buildings.*
22. *Living to which Shrewsbury school has a preferential claim.*
23. *Scheme for constituting parish of Eton a distinct vicarage.*
24. *Power of Eton College to make a scheme for running out their leases.*
25. *General provision as to schemes.*
26. *Power to remove Shrewsbury school to another site.*
27. *Not to affect certain rights of parties interested as herein stated.*
28. *Saving of existing powers of governing bodies.*
29. *Saving of Act relating to Charterhouse.*
30. *Extension of time for governing bodies to make statutes.*
31. *Provision as to college chapels.*
32. *Removal of site of Westminster school.*

#### CAP. CXIX.

An Act to amend the Law relating to Railways.

[31st July, 1868.

Be it enacted, &c.

*Preliminary.*

1. *Short title.* This Act may be cited as the Regulation of Railways Act, 1868.

2. *Interpretation of terms.* In this Act—

The term "railway" means the whole or any portion of a railway or tramway, whether worked by steam or otherwise:

The term "company" means a company incorporated, either before or after the passing of this Act, for the purpose of constructing, maintaining, or working a railway in the United Kingdom (either alone or in conjunction with any other purpose), and includes, except when otherwise expressed, any individual or individuals not incorporated who are owners or lessees



of a railway in the United Kingdom, or parties to an agreement for working a railway in the United Kingdom :

The term "person" includes a body corporate.

*I.—Accounts, Audit, &c.*

3. *Uniform Accounts, &c., to be kept.* Every incorporated company, seven days at least before each ordinary half yearly meeting held after the 31st day of December, 1868, shall prepare and print, according to the forms contained in the first schedule to this Act, a statement of accounts and balance sheet for the last preceding half year, and the other statements and certificates required by the same schedule, and an estimate of the proposed expenditure out of capital for the next ensuing half year, and such statements of accounts and balance sheet shall be the statement of account and balance sheet which are submitted to the auditors of the company. Every company which makes default in complying with this section shall be liable to a penalty not exceeding five pounds for every day during which such default continues. The Board of Trade, with the consent of a company, may alter the said forms as regards such company for the purpose of adapting them to the circumstances of such company, or of better carrying into effect the objects of this section.

4. *Accounts, &c., to be signed, and printed copies distributed.* Every statement of accounts, balance sheet, and estimate of expenditure, prepared as required by this Act, shall be signed by the chairman or deputy-chairman of the directors and by the accountant or other officer in charge of the accounts of the company, and shall be preserved at the company's principal office. A printed copy thereof shall be forwarded to the Board of Trade, and at all times after the date at which it is required to be printed be given, on application, to every person who holds any ordinary or preference share or stock in the company, or any mortgage, debenture, or debenture stock of the company; and every such person may at all reasonable times, without fee or charge, peruse the original in the possession of the company. Any company which acts in contravention of this section shall be liable for each offence to a penalty not exceeding £50.

5. *Penalty for falsifying accounts, &c.* If any statement, balance sheet, estimate, or report which is required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof on indictment, to fine and imprisonment, or on summary conviction thereof to a penalty not exceeding £50.

6. *Examination of affairs by inspectors.* The Board of Trade may appoint one or more competent inspectors to examine into the affairs of an incorporated company and the condition of its undertaking, or any part thereof, and to report thereon, upon any one of the applications following; that is to say,

1. Upon application made in pursuance of a resolution passed at a meeting of directors :
2. Upon application by the holders of not less than two-fifths part of the aggregate amount of the ordinary shares or stock of the company for the time being issued :
3. Upon application by the holders of not less than one-half of the aggregate amount of the mortgages, debentures, and debenture stock (if any) of the company for the time being issued :
4. Upon application by the holders of not less than two-fifths of the aggregate amount of the guaranteed or preference shares or stock of the company for the time being issued, provided that the preference capital issued amounts to not less than one-third of the whole share capital of the company.

7. *Application to be supported by evidence.* The application shall be made in writing, signed by the applicants, and shall be supported by such evidence as the Board of Trade may require, for the purpose of showing that the applicants have good reason for requiring such examination to be made; the Board of Trade may also, before appointing any inspector or inspectors, require the applicants to give security for payment of the costs of the inquiry.

8. *Inspection of company's books and property.* It shall be the duty of the directors, officers, and agents of the company to produce, for the examination of the inspectors, all books and documents relating to the affairs of the company

in their custody or power, and to afford to the inspectors all reasonable facilities for the inspection of the property and undertaking of the company. Any inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. Any person who, when so examined on oath, makes any false statement, knowing the same to be false, shall be guilty of perjury.

If any director, officer, or agent refuses to produce any book or document hereby directed to be produced, or to afford the facilities for inspection hereby required to be afforded, or if any officer or agent refuses to answer any question relating to the affairs of the company, he shall incur a penalty of £5 for every day during which the refusal continues.

9. *Result of examination, how dealt with.* Upon the conclusion of the examination the inspectors shall report their opinion to the Board of Trade and to the company, and the company shall print the same, and deliver a copy thereof to the Board of Trade, and, on application, to any person who holds any ordinary or preference share or stock, or any mortgage, debenture, or debenture stock of the company. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the persons upon whose application the inspectors were appointed, unless the Board of Trade shall direct the same or any portion thereof to be paid by the company, which they are hereby authorized to do.

10. *Power of company to appoint inspectors.* Any company may, by resolution at an extraordinary meeting, appoint inspectors for the purpose of examining into the affairs of the company and the condition of the company's undertaking. The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Board of Trade, and shall make their reports in such manner and to such persons as the company in general meeting directs, and the directors, officers, and agents of the company shall incur the same penalties, in case of any refusal to produce any book or document by this Act required to be produced to such inspectors, or to afford the facilities for inspection by this Act required to be afforded, or to answer any question, as they would have incurred if such inspectors had been appointed by the Board of Trade.

11. *Auditor not necessarily a shareholder.* Whenever, after the passing of this Act, section 102 of the Companies Clauses Consolidation Act, 1845, is incorporated in a certificate or special Act relating to a railway company, it shall be construed as if the words "where no qualification shall be prescribed by the special Act every auditor shall have at least one share in the undertaking," were omitted therefrom; and so much of every certificate and special Act relating to a railway company, and in force at the passing of this Act, as incorporates that portion of the said section, and so much of any special Act relating to a railway company, and so in force, as contains a like provision is hereby repealed.

12. *Auditors of company, and appointment of auditor by Board of Trade.* With respect to the auditors of the company the following provisions shall have effect :

- (1.) The Board of Trade may, upon application made in pursuance of a resolution passed at a meeting of the directors or at a general meeting of the company, appoint an auditor in addition to the auditors of such company, and it shall not be necessary for any such auditor to be a shareholder in the company :
- (2.) The company shall pay to such auditor appointed by the Board of Trade such reasonable remuneration as the Board of Trade may prescribe :
- (3.) The auditor so appointed shall have the same duties and powers as the auditors of the company, and shall report to the company :
- (4.) Where in consequence of such appointment of an auditor or otherwise, there are three or more auditors, the company may declare a dividend if the majority of such auditors certify in manner required by section 30 of the Railway Companies Act, 1867, and the Railway Companies (Scotland) Act, 1867, respectively :
- (5.) Where there is a difference of opinion among such auditors, the auditor who so differs shall issue to the shareholders, at the cost of the company, such statement respecting the grounds on which he differs

from his colleagues, and respecting the financial condition and prospects of the company, as he thinks material for the information of the shareholders.

13. *Issue of preferred and deferred ordinary stock.*] Any company which in the year immediately preceding has paid a dividend on their ordinary stock of not less than £3 per centum per annum may, pursuant to the resolution of an extraordinary general meeting, divide their paid-up ordinary stock into two classes, to be and to be called the one preferred ordinary stock, and the other deferred ordinary stock, and issue the same subject and according to the following provisions, and with the following consequences; that is to say,

- (1.) Preferred and deferred ordinary stock shall be issued only in substitution for equal amounts of paid-up ordinary stock, and by way of division of portions of ordinary stock into two equal parts:
- (2.) Such division may be made at any time, on the request in writing of the holder of paid-up ordinary stock, but not otherwise; and such request may apply to the whole of the ordinary stock of such holder, or to any portion thereof divisible into twentieth parts:
- (3.) Preferred ordinary stock and deferred ordinary stock shall not be issued except in sums of £10 or multiples of £10:
- (4.) The certificates for any ordinary stock divided into preferred and deferred ordinary stock shall before such division be delivered up to the company, and shall be cancelled by them, and certificates for preferred ordinary stock and deferred ordinary stock shall be issued gratis in exchange by the company:
- (5.) If in any case there is any part of the ordinary stock held by a stockholder comprised in one certificate which he does not desire to be divided, or which is incapable of division under the provisions of this Act, the company shall issue to him gratis a certificate for that amount as ordinary stock:
- (6.) As between preferred ordinary stock and deferred ordinary stock, preferred ordinary stock shall bear a fixed maximum dividend at the rate of six per centum per annum:
- (7.) In respect of dividend to the extent of the maximum aforesaid, preferred ordinary stock shall at the time of its creation, and at all times afterwards, have priority over deferred ordinary stock created or to be created, and shall rank *pari passu* with the undivided ordinary stock and the ordinary shares of the company created or to be created; and in respect of dividend, preferred ordinary stock shall at all times and to all intents rank after all preference and guaranteed stock and shares of the company created or to be created:
- (8.) In each year after all holders of preferred ordinary stock for the time being issued have received in full the maximum dividend aforesaid, all holders of deferred ordinary stock for the time being issued shall in respect of all dividend exceeding that maximum paid by the company in that year on ordinary stock and shares, rank *pari passu* with the holders of undivided ordinary stock and of ordinary shares of the company for the time being issued:
- (9.) If, nevertheless, in any year ending on the 31st day of December there are not profits available for payment to all the holders of preferred ordinary stock of the maximum dividend aforesaid, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the company:
- (10.) Preferred ordinary stock and deferred ordinary stock from time to time shall confer such right of voting at meetings of the company, and shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents, as from time to time attach and are incident to undivided ordinary stock of the company:
- (11.) The terms and conditions on which any preferred ordinary stock or deferred ordinary stock is issued shall be stated on the certificate thereof:
- (12.) Preferred ordinary stock and deferred ordinary stock shall respectively be held on the same trusts, and subject to the same charges and liabilities, as those on and subject to which the ordinary stock in substi-

tution for which the same are issued was held immediately before the substitution, and so as to give effect to any testamentary or other disposition of or affecting such ordinary stock.

## II.—Obligations and Liability of Companies as Carriers.

14. *Liability of company during sea transit.*] Where a company by through booking contracts to carry any animals, luggage, or goods from place to place partly by railway and partly by sea, or partly by canal and partly by sea, a condition exempting the company from liability for any loss or damage which may arise during the carriage of such animals, luggage, or goods by sea from the act of God, the King's enemies, fire, accidents from machinery, boilers, and steam, and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever, shall, if published in a conspicuous manner in the office where such through booking is affected, and if printed in a legible manner on the receipt or freight note which the company give for such animals, luggage, or goods, be valid as part of the contract between the consignor of such animals, luggage, or goods, and the company in the same manner as if the company had signed and delivered to the consignor a bill of lading containing such condition. For the purposes of this section the word "company" includes the owners, lessees, or managers of any canal or other inland navigation.

15. *Fares to be posted in stations.*] On and after the 1st day of January, 1869, every company shall cause to be exhibited in a conspicuous place in the booking office of each station on their line a list or lists painted, printed, or written in legible characters, containing the fares of passengers by the trains included in the time tables of the company from that station to every place for which passenger tickets are there issued.

16. *Provision for securing equality of treatment where railway company works steam vessels.*] Where a company is authorised to build, or buy, or hire, and to use, maintain, and work, or to enter into arrangements for using, maintaining, or working, steam vessels for the purpose of carrying on a communication between any towns or ports, and to take tolls in respect of such steam vessels, then and in every such case tolls shall be at all times charged to all persons equally and after the same rate in respect of passengers conveyed in a like vessel passing between the same places under like circumstances; and no reduction or advance in the tolls shall be made in favour of or against any person using the steam vessels in consequence of his having travelled or being about to travel on the whole or any part of the company's railway, or not having travelled or not being about to travel on any part thereof, or in favour of or against any person using the railway in consequence of his having used or being about to use, or his not having used or not being about to use, the steam vessels; and where an aggregate sum is charged by the company for conveyance of a passenger by a steam vessel and on the railway, the ticket shall have the amount of toll charged for conveyance by the steam vessel distinguished from the amount charged for conveyance on the railway.

The provisions of the Railway and Canal Traffic Act, 1854, so far as the same are applicable, shall extend to the steam vessels and to the traffic carried on thereby.

17. *Company bound to furnish particulars of charges for goods.*] Where any charge shall have been made by a company in respect of the conveyance of goods over their railway, on application in writing within one week after payment of the said charge made to the secretary of the company by the person by whom or on whose account the same has been paid, the company shall within fourteen days render an account to the person so applying for the same, distinguishing how much of the said charge is for the conveyance of the said goods on the railway, including therein tolls for the use of the railway, for the use of carriages, and for locomotive power, and how much of such charge is for loading and unloading, covering, collection, delivery, and for other expenses, but without particularizing the several items of which the last-mentioned portion of the charge may consist.

18. *Charge when two railways worked by one company.*] Where two railways are worked by one company, then in the calculation of tolls and charges for any distances in respect of traffic (whether passengers, animals, goods, carriages, or vehicles) conveyed on both railways the distances

traversed shall be reckoned continuously on such railways as if they were one railway.

19. *Proceedings in case of non-consumption of smoke.*] Where proceedings are taken against a company using a locomotive steam engine on a railway on account of the same not consuming its own smoke, then if it appears to the justices before whom the complaint is heard that the engine is constructed on the principle of consuming its own smoke, but that it failed to consume its own smoke, as far as practicable, at the time charged in the complaint through the default of the company, or of any servant in the employment of the company, such company shall be deemed guilty of an offence under the Railways Clauses Consolidation Act, 1845, s. 114.

20. *Smoking compartments for all classes.*] All railway companies, except the Metropolitan Railway Company, shall from and after the 1st day of October next, in every passenger train where there are more carriages than one of each class, provide smoking compartments for each class of passengers, unless exempted by the Board of Trade.

21. *Railway companies to be liable to penalties in case they shall provide trains for prize fights.*] Any railway company that shall knowingly let for hire or otherwise provide any special train for the purpose of conveying parties to or to be present at any prize fight, or who shall stop any ordinary train to convenience or accommodate any parties attending a prize fight at any place not an ordinary station on their line, shall be liable to a penalty to be recovered in a summary way before two justices of the county in which such prize fight shall be held or shall be attempted to be held, of such sum not exceeding £500 and not less than £200, as such justices shall determine, one half of such penalty to be paid to the party at whose suit the summons shall be issued, and the other half to be paid to the treasurer of the county in which such prize fight shall be held or shall be attempted to be held in aid of the county rate; and service of the summons under which the penalty is sought to be enforced on the secretary of the company at his office ten days before the day of hearing shall be sufficient to give the justices before whom the case shall come jurisdiction to hear and determine the case.

### III.—Provisions for Safety of Passengers.

22. *Communication between passengers and the company's servants.*] After the 1st day of April, 1869, every company shall provide and maintain in good working order, in every train worked by it which carries passengers, and travels more than twenty miles without stopping, such efficient means of communication between the passengers and the servants of the company in charge of the train as the Board of Trade may approve. If any company makes default in complying with this section it shall be liable to a penalty not exceeding £10 for each case or default. Any passenger who makes use of the said means of communication without reasonable and sufficient cause shall be liable for each offence to a penalty not exceeding £5.

23. *Penalty for trespasses on railways.*] If any person shall be or pass upon any railway, except for the purpose of crossing the same at any authorized crossing, after having received warning by the company which works such railway, or by any of their agents or servants, not to go or pass thereon, every person so offending shall forfeit and pay any sum not exceeding 40s. for every such offence.

24. *Trees dangerous to railways may be removed.* If any tree standing near to a railway shall be in danger of falling on the railway so as to obstruct the traffic, it shall be lawful for any two justices on the complaint of the company which works such railway to cause such tree to be removed or otherwise dealt with as such justices may order, and the justices making such order may award compensation to be paid by the company making such complaint to the owner of the tree so ordered to be removed or otherwise dealt with as such justices shall think proper, and the amount of such compensation shall be recoverable in like manner as compensation recoverable before justices under "The Railway Clauses Consolidation Act, 1845."

### IV.—Compensation for Accidents.

25. *Arbitration of damages.*] Where a person has been injured or killed by an accident on a railway, the Board of Trade, upon application in writing made jointly by the company from whom compensation is claimed and the person

if he is injured, or his representatives if he is killed, may, if they think fit, appoint an arbitrator who shall determine the compensation (if any) to be paid by the company.

26. *Examination by medical man.*] Whenever any person injured by an accident on a railway claims compensation on account of the injury, any judge of the court in which proceedings to recover such compensation are taken, or any person who by the consent of the parties or otherwise has power to fix the amount of compensation, may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of such examination as he may think fit.

### V.—Light Railways.

27. *Order for construction and working of light railway.*] The Board of Trade may by licence authorize a company applying for it to construct and work or to work as a light railway the whole or any part of a railway which the company has power to construct or work.

Before granting the licence the Board of Trade shall cause due notice of the application to be given, and shall consider all objections and representations received by them, and shall make such inquiry as they think necessary.

28. *Conditions and regulations for light railway.*] A light railway shall be constructed and worked subject to such conditions and regulations as the Board of Trade may from time to time impose or make: provided, that (1) the regulations respecting the weight of locomotive engines, carriages, and vehicles to be used on such railway shall not authorize a greater weight than eight tons to be brought upon the rails by any one pair of wheels; (2) the regulations respecting the speed of trains shall not authorize a rate of speed exceeding at any time twenty-five miles an hour.

If the company or any person fails to comply with or acts in contravention of such conditions and regulations, or directs any one so to fail or act, such company and person shall respectively be liable to a penalty for each offence not exceeding £20, and to a like penalty for every day during which the offence continues; and every such person on conviction on indictment for any offence relating to the weight of engines, carriages, or vehicles, or the speed of trains, shall be also liable to imprisonment with or without hard labour, for any term not exceeding two years.

29. *Publication of regulations.*] The conditions and regulations of the Board of Trade relating to light railways shall be published and kept published by the company in manner directed with respect to bye-laws by section 110 of "The Railways Clauses Consolidation Act, 1845," and the company shall be liable to a penalty not exceeding £5 for every day during which such conditions and regulations are not so published.

### VI.—Arbitrations by Board of Trade.

30. *Arbitrator appointed by Board of Trade.*] Whenever the Board of Trade are required to make any award or to decide any difference in any case in which a company is one of the parties, they may appoint an arbitrator to act for them, and his award or decision shall be deemed to be the award or decision of the Board of Trade.

If the arbitrator dies, or in the judgment of the Board of Trade becomes incapable or unfit, the Board of Trade may appoint another arbitrator.

31. *Remuneration of arbitrator.*] The Board of Trade may fix the remuneration of any arbitrator or umpire appointed by them in pursuance of this or any other Act in any case where a company is one of the parties, and may, if they think fit, frame a scale of remuneration for arbitrators or umpires so appointed by them, and no arbitrator or umpire so appointed by them shall be entitled to any larger remuneration than the amount fixed by the Board of Trade.

32. *Cost, &c., of arbitrations.*] The provisions of sections 18 to 29, both inclusive, of the Railway Companies Arbitration Act, 1859, shall, so far as is consistent with the tenor thereof, apply to an arbitrator appointed by the Board of Trade, and to his arbitration and award, notwithstanding that one of the parties between whom he is appointed to arbitrate may not be a railway company; and in construing those sections for the purpose of this Act the word "companies" shall be construed to mean the parties to the arbitration.



33. *Costs, charges, &c., to be taxed and settled by masters of the Court of Queen's Bench.*] All disputed questions as to any costs, charges, and expenses of and incident to any arbitration or award made under the provisions of "The Lands Clauses Consolidation Act, 1845," or of any Special Act of Parliament incorporating the same, whether the question in dispute arise as to compensation to be made for lands required to be purchased and actually taken by any railway company, or in respect of the injurious affecting of other lands not taken, or otherwise in relation thereto, shall, if either party so requires, be taxed and settled as between the parties by one of the masters of the Court of Queen's Bench; and it shall be lawful for such master to receive and take in respect of each folio in length of every bill of costs so settled a fee of one shilling and no more, and such fee shall be taken in money and not in stamps, and may be retained by the said master for his own use and benefit.

#### VII.—Miscellaneous.

34. *Printed copies of shareholders address book.*] Every incorporated company shall print correct copies of the shareholders address book of the company corrected up to the first day of December in every year, and affix an asterisk against the names of those qualified to act as directors.

After the expiration of one fortnight from the aforesaid date the company shall, on application, supply such printed copies at a price not exceeding five shillings for each copy to every person who holds any ordinary or preference shares or stock in the company, or any mortgage debenture or debenture stock of the company.

Any company which acts in contravention of this section shall be liable for each offence to a penalty not exceeding £20.

35. *Meeting preliminary to application for Act or certificate.*] When a bill is introduced into either House of Parliament conferring on an incorporated company additional powers, or when an incorporated company applies to the Board of Trade for a certificate conferring on it additional powers, the following provisions shall have effect; namely,

1st. Before the bill is read a second time in the House of Parliament into which it is first introduced, or before the application is made to the Board or Trade (as the case may be), the bill or draft certificate (as the case may be) shall be submitted to a meeting of the proprietors of such company at a meeting held specially for that purpose:

2nd. Such meeting shall be called by advertisement inserted once in each of two consecutive weeks in a morning newspaper published in London, Edinburgh, or Dublin, as the case may be, and in a newspaper of the county or counties in which the principal office or offices of the company is or are situate, and also by a circular addressed to each proprietor at his registered or last known or usual address, and sent by post or delivered at such address not less than ten days before the holding of such meeting, enclosing a blank form of proxy with proper instructions for the use of the same; and the same form of proxy and the same instructions shall be sent to every such proprietor, and shall be addressed to each proprietor on the back of the form of proxy; but no such form of proxy shall be stamped before it is sent out, nor shall the funds of the company be used for the stamping of any proxies, nor shall any intimation be sent as to any person to whom the proxy may be given or addressed; and no other circular or form of proxy relating to such meeting shall be sent to any proprietor from the office of the company, or by any director or officer of the company so describing himself:

3rd. Such meeting shall be held on a day not earlier than seven days after the last insertion of such advertisement, and may be held on the same day as an ordinary general meeting of the company:

4th. At such meeting the bill or draft certificate shall be submitted to the proprietors, and shall not be proceeded with unless approved of by proprietors present in person or by proxy, holding at least three-fourths of the paid-up capital of the company represented at such meeting, such proprietors being qualified to vote at all ordinary meetings of the company in right of such capital; the votes of proprietors of any paid-up shares or stock, other than debenture stock, not qualified to vote at ordinary meetings,

whose interests may be affected by the proposed Act or certificate, if tendered at the meeting, shall be recorded separately:

5th. There shall be laid before Parliament or the Board of Trade (as the case may require) a statement of the number of votes if a poll was taken, and the number of votes recorded separately.

36. *Special Trains exclusively for Post Office.*] Whenever in pursuance of any notice under the Act of the session of the first and second years of the reign of her present Majesty, chapter 98, "to provide for the conveyance of mails by railways," or otherwise, the mails or post letter bags are conveyed and forwarded by a company on their railway by a special train, the Postmaster-General may by the same or any other notice in writing require that the whole of such special train shall be appropriated to the service of the post office exclusively of all other traffic except such as he may sanction, and the remuneration to be paid for such service shall be settled as prescribed by the sixth section of that Act.

37. *Service of requisitions, &c., by Postmaster-General.*] All requisitions, notices, and documents which relate to a company, if purporting to be signed by the Postmaster-General or some secretary or assistant secretary to the Post Office, or by some officer appointed for the purpose by the Postmaster-General, shall, until the contrary is proved, be deemed to have been so signed and to have been given or made by the Postmaster-General, and the provisions of the Act of the session of the first and second years of the reign of her present Majesty, chapter 98, "to provide for the conveyance of mails by railways," requiring any notice, requisition, or document to be under the hand of the Postmaster-General, are hereby repealed.

38. *Extension of scope of Railway Companies Powers Act, 1864.*] The Railway Companies Powers Act, 1864, shall take effect and apply in the following cases in the same manner as if they were specified in section three of that Act; (that is to say,)

Where a company desire to make new provisions, or to alter any of the provisions of their special Act, or of the "Companies Clauses Consolidation Act, 1845," so far as it is incorporated therewith, with respect to all or any of the matters following; namely,

- (a.) The general meetings of the company, and the exercise of the right of voting by the shareholders;
- (b.) The appointment, number, and rotation of directors;
- (c.) The powers of directors;
- (d.) The proceedings and liabilities of directors;
- (e.) The appointment and duties of auditors.

39. *Service of requisition, &c.*] All requisitions, orders regulations, appointments, certificates, licences, notices, and documents which relate to a company, if purporting to be signed by some secretary or assistant secretary of, or by some officer appointed for the purpose by the Board of Trade, shall, until the contrary is proved, be deemed to have been so signed and to have been given or made by the Board of Trade. They may be served by the Board of Trade on any company in the manner in which notices may be served under the Companies Clauses Consolidation Act, 1845; and all notices, returns, and other documents required to be made, delivered, or sent by a company to the Board of Trade shall be left at the office of, or transmitted through the post addressed to the Board of Trade.

40. *Recovery, &c., of penalties.*] Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845 (as the case may require), are for the time being recoverable and applicable.

41. *Company may apply to common law judge at Westminster to hear cases of compensation under 8 & 9 Viet. c. 18.*] Whenever, in the case of any lands purchased or taken otherwise than by agreement for the purposes of any public railway, any question of compensation in respect thereof, or any question of compensation in respect of lands injuriously affected by the execution of the works of any public railway, is under the provisions of "The Lands Clauses Consolidation Act, 1845," to be settled by the verdict of a jury



empannelled and summoned as in that Act mentioned, the company or the party entitled to the compensation may, at any time before the issuing by the company to the sheriff as by that Act directed, apply to a judge of any one of the superior courts of common law at Westminster, who shall, if he think fit, make an order for trial of the question in one of the superior courts upon such terms and in such manner as to him shall seem fit; and the question between the parties shall be stated in an issue to be settled in case of difference by the judge, or as he shall direct, and such issue may be entered for trial and tried accordingly in the same manner as any issue joined in an ordinary action at such place as the judge shall direct; and the proceedings in respect of such issue shall be under and subject to the control and jurisdiction of the Court as in ordinary actions therein, but so nevertheless that the jury shall, where the issue relates to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to lands held therewith, deliver their verdict separately in manner provided by the forty-ninth section of "The Lands Clauses Consolidation Act, 1845."

42. *Company may obtain judge's order instead of issuing warrant.*] Whenever a company is called upon or liable under the provisions of "The Lands Clauses Consolidation Act, 1845," to issue their warrant to the sheriff in the case of any disputed compensation, and the company shall obtain a judge's order as in the last preceding section mentioned, the obtaining of such an order and notice thereof to the opposite party shall be a satisfaction of the company's duty in respect of the issue of the warrant.

43. *Power of verdict of jury and judgment of the court.*] The verdict of the jury and judgment of the court upon any issue authorized by this Act shall, as regards costs and every other matter incident to or consequent thereon, have the same operation and be entitled to the same effect as if that verdict and judgment had been the verdict of a jury and judgment of a sheriff upon an inquiry conducted upon a warrant to the sheriff issued by the company under "The Lands Clauses Consolidation Act, 1845."

44. *Interpretation of certain expressions.*] In so far as any expression used in any of the three preceding sections of this Act has any special meaning assigned to it by "The Lands Clauses Consolidation Act, 1845," each such expression shall in this Act have the meaning so assigned to it.

45. *Fees to masters for determining questions of disputed compensation.*] Wherever under the provisions of the Lands Clauses Consolidation Act, 1845, or of any Act incorporating, altering, or amending the same, the costs of any proceedings for determining a question of disputed compensation are settled by one of the masters of the Court of Queen's Bench in England or Ireland, it shall be lawful for such masters to receive and take in respect of each folio in length of every bill of costs so settled a fee of one shilling and no more; and such fee shall be taken in money and not in stamps, and may be retained by the said masters for their own use and benefit.

46. *Extension of time.*] Where notice in writing of a proposed application under "The Railways (Extension of Time) Act, 1868," for extension of the time limited for any of the purposes mentioned in that Act, is received by the Board of Trade before the expiration of such time, or if the time has expired during the present session of Parliament before the first day of September, 1868, and the application is duly made within the period prescribed by the said Act, then a warrant of the Board of Trade, extending the time, although issued after the expiration thereof, shall have effect from the date of such expiration as if it had been previously issued.

47. *As to repeal of enactments in second schedule.*] The enactments described in the second schedule to this Act are hereby repealed.

But this repeal shall not affect—

- (1.) The validity or invalidity of anything duly done or suffered under any enactment repealed by this section;
- (2.) Any right acquired or accrued or liability incurred, or any remedy in respect thereof.

#### SCHEDULES.

##### FIRST SCHEDULE.

Forms of Account referred to in Section 3 of this Act.

#### SECOND SCHEDULE.

| Date and Chapter of Act.         | Title of Act.  |
|----------------------------------|--|
| 3 & 4 Vict. c. 97.<br>(in part.) | An Act for regulating Railways. Section 20. } in part; namely—   |
| 5 & 6 Vict. c. 55.<br>(in part.) | An Act for the better regulation of Railways, and for the Conveyance of troops. Section 19. } in part; namely—   |
| 7 & 8 Vict. c. 85.<br>(in part.) | An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other purposes in relation to Railways. Section 23. } in part; namely— |

#### CAP. CXX.

An Act to relieve the Consolidated Fund from the Charge of the Salaries of future Bishops, Archdeacons, Ministers, and other Persons in the West Indies. [31st July, 1868.]

#### CAP. CXXI.

An Act to regulate the sale of Poisons, and alter and amend the Pharmacy Act, 1852. [31st July, 1868.]

1. Persons selling or compounding poisons or assuming the title of chemist and druggist, to be qualified.
2. Articles named in schedule (A.) to be deemed poisons within the meaning of this Act.
3. Chemists and druggists within meaning of this Act.
4. Apprentices and assistants to be registered.
5. Registration of chemists and druggists.
6. Examiners under Pharmacy Act to be the examiners under this Act. Certificate of competent skill, &c.
7. Application of fees to purpose of Pharmaceutical Society.
8. Registrar under Pharmacy Act to be so under this Act.
9. Council of Pharmaceutical Society to make orders for regulating register to be kept.
10. Duty of registrar to make and keep register.
11. Notice of death of pharmaceutical chemist or chemist and druggist to be given by registrars.
12. Evidence of qualification to be given before registration.
13. Annual register to be published and be evidence.
14. Penalty on wilful falsification of register, or for obtaining registration by false representation.
15. Protection of titles, and restrictions on sale of poisons.
16. Reserving rights of certain persons.
17. Regulations to be observed in the sale of poisons.
18. Chemists and druggists in business prior to passing of Act eligible for election as members of Pharmaceutical Society.
19. Council of Pharmaceutical Society.
20. Chemists and druggists registered eligible to be elected associates, and being in business, have the privilege of voting on paying subscriptions.
21. Voting papers for election of council.

22. *Benevolent Fund may be applied to past members and associates, also to pharmaceutical chemists and registered chemists and druggists.*

23. *Registration under "Medical Act."*

24. *Adulteration of Food or Drink Act to extend to medicines.*

25. *Acts of Privy Council.*

26. *Power to Privy Council to erase names of persons from register.*

27. *Extent of Act.*

28. *Short title.*

### CAP. CXXII.

**An Act to make further Amendments in the Laws for the Relief of the Poor in England and Wales.**

[31st July, 1868.]

Be it enacted, &c.

1. *Regulations as to general orders of the Poor Law Board.]* The Poor Law Board shall cause a copy of every general rule, order, or regulation issued by them to be laid before both Houses of Parliament as soon as practicable after its publication, but no order of the said Board by which a district of unions or parishes and unions shall have been or shall be formed shall be deemed to be a general order within the meaning of the Poor Law Board Act, 1847.

2. *Copies of orders to be sent to clerks of justices in certain cases only.]* The said Board shall not be required to send copies of any orders issued by them to the clerks to the justices of the petty sessional divisions, except such as relate to the relief of the poor, the government and management of workhouses and their inmates, and the guidance and regulation of guardians and their officers.

3. *Repeal of exception in section 2 of 30 & 31 Vict. c. 106.]* So much of the 2nd section of the Poor Law Amendment Act, 1867, as excepts the unions and parishes in the metropolis from the operation of that section, is hereby repealed.

4. *Consent of guardians not required in certain cases.]* Consent of owners of property and ratepayers dispensed with in certain cases.] The Poor Law Board may exercise the powers contained in the 32nd section of the Poor Law Amendment Act, 1834, with respect to any union of parishes formed under the 83rd chapter of the statute of the 22nd year of King George the Third, and with respect to any union governed by a local Act of Parliament, where the relief of the poor is not wholly administered by one board of guardians, without such concurrence of a majority of not less than two thirds of the guardians of such union as is required in the said section; and every single parish in which the provisions of the said statute of George the Third shall have been adopted may be dealt with in like manner as any parish in which they shall not have been adopted, and the powers conferred upon the said Board by the 41st section of the Poor Law Amendment Act, 1834, in regard to unions and parishes governed by any local Act of Parliament, may be exercised by such Board without the consent of the majority of the owners and ratepayers of property as therein required, as and when such Board shall deem it expedient.

5. *Superintendent registrars and registrars in temporary districts.]* All superintendent registrars and registrars of births, deaths, and marriages, and registrars of marriages, in temporary districts formed under the provisions of the Act 6 and 7 Will. 4, c. 86, shall be entitled to continue in office in the event of such temporary districts being dissolved, and the parishes, townships, and places contained therein being formed into one and the same union.

6. *Poor Law Board may unite small parishes for the election of guardians.]* The said Board may, by order under seal, add any parish in a union, the population of which parish, according to the census last declared, shall not exceed three hundred, the annual rateable value whereof shall not exceed the average rateable value of the parishes in the same union according to the valuation lists in force for the time being, to some adjoining parish in the same union for the purpose of the election of guardians; and the persons qualified to elect such guardians in either parish shall be qualified to vote at such election for the parishes so united.

7. *Poor Law Board may appoint officers when guardians make default.]* In case the board of guardians fails for

twenty-eight days after receipt of a requisition of the Poor Law Board in that behalf to appoint, either originally or on a vacancy, any officer whom they shall be lawfully required to appoint, the Poor Law Board may, at any time after the expiration of the said term of twenty-eight days, if they think fit, by order under their seal, appoint a fit person to be such officer, and determine the salary or remuneration to be paid to him by such guardians; and the person so appointed shall recover such salary or remuneration by action in a county or other court of law against such guardians, and shall have all the same powers, rights, and privileges, and shall discharge all the same duties, and incur the same responsibilities, as if the appointment had been duly made by the said guardians.

8. *Extension of the power of the Poor Law Board to order works and furniture for workhouses.]* The power conferred upon the Poor Law Board by the 25th section of the Poor Law Amendment Act, 1834, as extended by the 8th section of the Poor Law Amendment Act, 1866, shall apply to the providing of proper drainage, sewers, ventilation, fixtures, furniture, surgical and medical appliances, and other conveniences at any workhouse.

9. *Provision for vacancies and resignations of managers under the Metropolitan Poor Act.]* All the provisions contained in the Poor Law Amendment Act, 1842, in respect of the election, qualification, resignation, and the acts of guardians of a union, and in respect of the supply of vacancies in the board of guardians, shall apply to the members of the district boards or board formed or to be formed under the authority of the Metropolitan Poor Act, 1867, whether nominated or elective, or of this Act, and to the persons nominated as guardians by the Poor Law Board under the said Act of 1867; and so much of the Metropolitan Poor Act, as requires persons, other than justices of the peace, nominated by the Poor Law Board as managers or guardians, to be resident within the district, union, or parish respectively for which they may be nominated, shall be repealed.

10. *Consent of meeting of guardians sufficient for the formation of a school district.]* Where the consent of the guardian of any union or parish is required to be given to the formation of a school district, the consent of the major part of the guardians assembled at one of their ordinary meetings, after notice in writing previously sent to every member of the board not less than two weeks previously specifying the proposal for such consent, shall be sufficient.

11. *New basis for the contributions in school and other districts.]* From and after the 29th day of September next the Act of the session held in the 13th and 14th years of her present Majesty, chapter 11, shall be repealed in respect of any debts, charges, and liabilities to be incurred or created after that day; and thenceforth all the expenses and charges which, according to the provisions of the Poor Law Amendment Act, 1844, would be chargeable upon the common fund of any district formed or to be formed under that Act or under this Act, shall be borne by the several unions or parishes comprised in the district according to the annual rateable value of the property therein comprised, to be determined according to the valuation lists in force in such unions, and according to the latest poor rate for the time being for the parishes not in union, or, so far as respects any district wholly or partially within the metropolis, as defined by the Metropolitan Poor Act, 1867, on such other basis as the Poor Law Board shall from time to time direct.

12. *Provision for the severance of a parish from a union in a school district, or the addition of a parish thereto.]* In the case of a parish added to or taken from any union comprised in a school district, the Poor Law Board shall ascertain the proportionate value of the property and amount of obligations of such parish, and of every other parish or union affected by the change, and shall fix the amount to be received or paid or secured to be paid by every such parish or union, or by the district, as the case may require.

13. *Guardians may pay the cost of idiots sent to asylums for idiots.]* The guardians of any union or parish may, with the consent of the Poor Law Board, send an idiotic pauper to an asylum or establishment for the reception and relief of idiots maintained at the charge of the county rate or by public subscription, and they may with like consent send any idiotic imbecile or insane pauper who may lawfully be detained in a workhouse to the workhouse of any other union or parish with the consent of the guardians of such last-mentioned

union or parish and pay the cost of the maintenance, clothing, and lodging of such pauper in the asylum, establishment, or workhouse, as well as the cost of his conveyance thereto or his removal therefrom, and the expenses of his burial, when necessary.

14. *The 30 & 31 Viet. c. 106, s. 23, to have a retrospective effect.*] The provisions contained in the 23rd clause of the Poor Law Amendment Act, 1867, shall apply to pauper lunatics sent to an asylum before the passing of that Act as well as since.

15. *The 30 & 31 Viet. c. 106, s. 20, extended.*] The provisions contained in the 20th section of the Poor Law Amendment Act, 1867, shall extend to the case of a parish which shall have been or shall be added to or separated from a union, and to any officer who by reason of such addition or separation shall have been or shall be deprived of his office or employment.

16. *A separate creed register to be kept in every workhouse and pauper school.*] The officer for the time being acting as the master of a workhouse, or as the master or superintendent of a district or other pauper school, shall keep a register of the religious creed of the pauper inmates of such workhouse or school separate from all other registers, in such form and with such particulars as shall be prescribed by the Poor Law Board by an order under their seal, and shall, as regards every inmate of such workhouse or school, at the date to be fixed by such order, and subsequently upon the admission of every inmate therein, make due inquiry into the religious creed of such inmate, and enter such religious creed in such register.

17. *How the religion of children to be entered in the creed register.*] In regard to any child in the workhouse or school under the age of twelve years, whether either of its parents be in the workhouse or not, or whether it be an orphan or deserted child, the master or superintendent shall enter in such register, as the religious creed of such child, the religious creed of the father, if the master or superintendent know or can ascertain the same by reasonable inquiry, or, if the same cannot be so ascertained, the creed of the mother of such child, if the same be known to the said master or superintendent, or can be by him in like manner ascertained; and the creed of an illegitimate child under the said age shall be deemed to be that of its mother when that can be ascertained.

18. *The Poor Law Board to decide questions as to correctness of the register.*] If any question shall arise as to the correctness of any entry in such register, the Poor Law Board may, if they think fit, inquire into the circumstances of the case, and determine such question by directing such entry to remain or to be amended according to their judgment.

19. *Creed register to be open to inspection of minister.*] Every minister of any denomination officiating in the church, chapel, or other registered place of religious worship of such denomination which shall be nearest to any workhouse or school, or any ratepayer of any parish in the union, shall be allowed to inspect the register which contains the entry of the religious creed of the inmates at any time of any day, except Sunday, between the hours of ten before noon and four after noon.

20. *Minister may, subject to regulations, visit and instruct inmates registered as of his religious creed.*] Such minister may in accordance with such regulations as the said board shall approve of or by their order prescribe, visit and instruct any inmate of such workhouse or school entered in such register as belonging to the same religious creed as such minister belongs to, unless such inmate, being above the age of fourteen, and after having been visited at least once by such minister, shall object to be instructed by him.

21. *Where no religious service provided in the workhouse, the inmate may, subject to regulations, go to his own proper place of worship.*] Every inmate for whom a religious service according to his own creed shall not be provided in the workhouse shall be permitted, subject to regulations to be approved of or ordered by the Poor Law Board, to attend, at such times as the said Board shall allow, some place of worship of his own denomination within a convenient distance of the said workhouse, if there be such in the opinion of the board: Provided that the guardians may, for abuse of such permission previously granted, or on some other

special ground, refuse permission to any particular inmate, and shall in such case cause an entry of such refusal and the grounds thereof to be made in their minutes.

22. *No child in the workhouse or school visited by a minister of its own religion shall be required to attend any other religious services, unless, being above twelve years of age, he shall desire to do so.*] No child being an inmate of a workhouse or such school as aforesaid who shall be regularly visited by a minister of his own religious creed for the purpose of religious instruction shall, if the parents or surviving parent of such child, or in the case of orphans or deserted children if such minister make request in writing to that effect, be instructed in any other religious creed, or be required or permitted to attend the service of any other religious creed, than that entered in such register as aforesaid, except any child above the age of twelve years who shall desire to receive instruction in some other creed, or to attend the service of any other religious creed, and who shall be considered by the Poor Law Board to be competent to exercise a judgment upon the subject.

23. *Interpretation of 25 & 26 Viet. c. 43, and 29 & 30 Viet. c. 113, s. 14, as to child and consent of parents.*] The Act of the 25 & 26 Viet. c. 43, and s. 14 of the Poor Law Amendment Act of 1866, shall apply to illegitimate as well as legitimate children; and with regard to illegitimate children the consent of the mother, if she has the care, custody, or possession of the child, shall be sufficient for the purposes of those Acts; and in case of a deserted child or an orphan child on behalf of whom no relative, next of kin, step-parent or god-parent shall make application, the Poor Law Board may exercise the power conferred upon them by section fourteen of the said Act of 1866, upon being satisfied that there is reasonable ground for their doing so.

24. *Poor Law Board to appoint auditors. Notice of such appointment to be inserted in London Gazette.*] So much of the Poor Law Amendment Act, 1844, section 32, as provides for the election of district auditors, shall be repealed; and whenever the office of an auditor appointed or to be appointed under the authority of the said Act shall, after the passing of this Act, become vacant, or whenever an auditor shall be ordered to be appointed for any district or parish under the authority of the said Act, or of the Poor Law Amendment Act, 1834, the Poor Law Board may, by order under their seal, appoint a person to be auditor of such district (or any part thereof) or of such parish; and the said person so appointed shall have all the powers and privileges, and shall do all the matters and things, which the auditors of districts under any Act of her Majesty have or are required or empowered to do; and the provisions contained in the Poor Law Board Act, 1847, relative to the salaries of the persons therein mentioned, shall apply to the salaries of the persons to be appointed as auditors by the Poor Law Board; provided that before such auditor shall be empowered to act a notice of his appointment shall be inserted in the *London Gazette*, and no further or other notice or proof of such appointment shall be required.

25. *Existing auditors may be superannuated under 22 Viet. c. 26.*] Every auditor for the time being appointed under the authority of the said Poor Law Amendment Act, 1834, or of any Act amending the same, shall be deemed to be a civil servant of the State within the operation of the Act of the 22nd year of her Majesty's reign, chapter 26.

26. *Repeal of 6 & 7 W. 4. c. 86. s. 10, requiring the Poor Law Commissioners to appoint registrars in certain places.*] So much of the 86th chapter of the Act passed in the session held in the 6th and 7th years of the reign of his late Majesty as provides that the Poor Law Commissioners shall appoint a registrar to the temporary districts therein referred to shall be repealed; and the board of guardians acting therein shall henceforth appoint the registrars for such districts.

27. *Provision for incorporation of certain extra parochial places.*] From the 25th day of December next every place which was or is reputed to be extra-parochial, whether entered by name in the report upon the census for the year 1851 or not, for which an overseer has not been then appointed, or for which no overseer shall be then acting, or which has not been then annexed to and incorporated with an adjoining parish, shall for all civil parochial purposes be annexed to and incorporated with the next adjoining parish with which it has the longest common boundary, and



in case there shall be two or more parishes with which it shall have boundaries of equal extent then with that parish which now contains the lowest amount of rateable value; and every accretion from the sea, whether natural or artificial, and the part of the seashore to the low-water mark, and the bank of every river to the middle of the stream, which on the said 25th day of December next shall not be included within the boundaries of or annexed to and incorporated with any parish, shall for the same purposes be annexed to and incorporated with the parish to which such accretion, part, or bank adjoins in proportion to the extent of the common boundary.

28. 11 & 12 Vict. c. 110, s. 7, *extended to a parish.*] The provisions of the 7th section of the Poor Law Amendment Act, 1868, empowering guardians of unions to cause valuations to be made upon applications as therein set forth, shall apply to the guardians of a parish not comprised in any union.

29. *Power for guardians of unions mutually to bear the costs of several appeals involving the same common principle.*] Where an appeal is brought against the poor rate of a parish in a union, and may appear to involve a principle in which some neighbouring parish has a common interest, it shall be lawful for the guardians of the unions comprising such parishes to enter into an agreement mutually to bear the costs which may be properly incurred in and about the trial of such appeals on the part of the several respondents, as well as the costs of the appellants, if any, which may be awarded against the respondents, in such proportions as shall be fixed and determined with reference to the amount of interest of the several unions in the question, or otherwise, as shall appear just; and the said agreement shall continue binding upon the several boards of guardians and their respective successors in succession until the several appeals shall have been finally determined.

30. *Columns in the valuation lists to be cast up by the committee, and fair copies of the approved valuation lists to be given to the overseers instead of originals.*] When the assessment committee in any union shall have finally approved of any valuation list, whether original, substitutional, or supplemental, they shall cause the total of the entries in the columns for the gross estimated value and the rateable value to be ascertained and entered at the foot of the same, and shall retain such list for the use of the guardians, to be dealt with in the manner provided by the 31st section of the Union Assessment Committee Act, 1862, and shall deliver a fair copy of the same to the overseers, signed by the three members of the committee who approved of the same; and such copy shall be countersigned by the clerk of the committee, and shall be preserved by the overseers, and dealt with by them in all respects as the lists made out by them would have been dealt with according to the law now in force, and it shall not be necessary for the said committee to cause any other copy to be made.

31. *Certified copies of valuation lists rendered available whose original is lost.*] Where any valuation list heretofore approved, or the copy hereafter to be made, shall be lost, injured, or destroyed, the overseers of the parish to which it relates may apply to the clerk of the guardians for a copy of the same, and the clerk, upon payment of a reasonable compensation, not exceeding 3s. for 100 separate rateable hereditaments, shall give such copy, and certify the same to be a true copy of the list deposited with the said guardians, and such certified copy shall be thenceforth available as the original.

32. *Guardians may appoint a paid valuer to assist the assessment committee.*] The guardians may, upon the application of the assessment committee, after notice sent in the manner required by the Union Assessment Committee Act, 1862, appoint some competent person to assist the committee in the valuation of the rateable hereditaments of the union for such period as they shall see fit, at a salary or other settled remuneration to be paid out of the common fund.

33. *Order may be made in petty sessions upon a husband to maintain his wife.*] When a married woman requires relief without her husband, the guardians of the union or parish, or the overseers of the parish, as the case may be, to which she becomes chargeable, may apply to the justices having jurisdiction in such union or parish in petty sessions assembled, and thereupon such justices may summon such husband to appear before them to show cause why an order

should not be made upon him to maintain his wife; and upon his appearance, or, in the event of his not appearing, upon proof of due service of such summons upon him, such justices may, after hearing such wife upon oath, or receiving such other evidence as they may deem sufficient, make an order upon him to pay such sum, weekly or otherwise, towards the cost of the relief of the wife, as, after consideration of all the circumstances of the case, shall appear to them to be proper, and shall determine in such order how and to whom the payments shall from time to time be made; which order shall, if the payments required by it to be made be in arrear, be enforced in the manner prescribed by the Act of the 11th & 12th Vict. c. 43, for the enforcing of orders of justices requiring the payment of a sum of money: provided that such order may be at any future time revoked by the justices in petty sessions assembled, if they see sufficient cause for so doing.

34. *Irremovability of poor persons not to be affected by an addition of a parish to a union or a separation therefrom.*] Where any poor person shall have acquired an exemption from removal in any parish or union, and the parish wherein that exemption shall have been wholly or partly acquired shall have been or shall be added to or separated from a union, such poor person shall continue to have the same exemption from removal as he would have been entitled to if no such addition or separation had taken place.

35. *Extension of time for the repayment of loans.* *Explanation of 30 & 31 Vict. c. 6, s. 52.*] The time limited for the repayment of money borrowed under "The Poor Law Amendment Act, 1834," and the subsequent Acts extending or amending the same, and "The Metropolitan Poor Act, 1867," shall be extended from twenty to thirty years; and the term "promoters of the undertaking" in section 52 of the last-mentioned Act shall be deemed to have included managers and guardians desirous of purchasing lands for any of the purposes of the poor law Acts as therein defined.

36. *Jurisdiction of justices to make orders of maintenance.*] So much of the Acts of the 43rd Elizabeth, chapter 2, and the 59th George the Third, chapter 12, as enables orders of maintenance to be made by the justices having jurisdiction in the place where the persons upon whom they are to be made dwell, and as prescribes the penalty for disobedience, and section 78 of the Poor Law Amendment Act, 1834, shall, in respect of any order to be made hereafter, be repealed; and such orders shall be made by the justices in petty sessions assembled at their usual place of meeting having jurisdiction in the union or parish to which the poor person in whose behalf the same shall be sought to be made shall be chargeable and shall be enforced in the manner prescribed by the said Act of the 11th & 12th Vict. c. 43, for enforcing orders of justices.

37. *Parents neglecting their children liable to punishment.*] When any parent shall wilfully neglect to provide adequate food, clothing, medical aid, or lodging for his child, being in his custody, under the age of fourteen years, whereby the health of such child shall have been or shall be likely to be seriously injured, he shall be guilty of an offence punishable on summary conviction, and being convicted thereof before any two justices shall be liable to be imprisoned for any period not exceeding six months, with or without hard labour, as such justices shall decide; provided that such justices may suspend the sentence until further notice if the offender enter into his own recognizances, with or without one or more sureties as the justices may think fit, to come up for judgment when called upon; and the guardians of the union or parish in which such child may be living shall institute the prosecution and pay the costs thereof out of their funds.

38. *Provision for the rating of new houses or buildings.*] When any person shall occupy any new house or other building in any parish where the poor rate is not made under the provisions of a local Act, which house or building was incomplete, or not fit for occupation, or was not entered as such in the valuation list in force in the parish at the time when the current rate for the time being was made, the overseers may enter such house or building with the name of the occupier thereof and the date of the entry in the rate book, and require the occupier to pay such amount as according to their judgment shall be the proper sum, having due regard to the rateable value of such house or building, and the time which shall have elapsed from the

making of the current rate to the date of such entry, and the person so charged shall be considered as actually rated from such date, and shall be liable to pay the sum assessed in like manner and subject to the like penalty of distress, and with the like power of appeal, as if he had been assessed for the same when the rate was made: provided that when the said overseers shall so enter the said house or building in the rate book they shall forward to the assessment committee of the union comprising such parish, if any such there be, a supplemental list with reference to such house or building, and the same shall be dealt with in all respects, and with the like incidents and consequences, as a supplemental list made by the overseers under section 25 of "The Union Assessment Committee Act, 1862."

39. *Demand of poor rate may be made on the premises.*] When a poor rate shall be made and assessed upon any land or premises, and the occupier thereof is not living on such land or premises nor in the parish for which the rate shall be made, or the owner, if assessed for such rate in the place of the occupier, is not living in such parish, a demand of the rate in writing delivered to the person having the custody of the land or premises, or if no such person can be found then affixed upon some conspicuous part of the land or premises, shall be deemed a sufficient demand to justify proceedings for the nonpayment of such rate; and where the residence or place of abode of the person assessed is not known to the overseers, and cannot be ascertained upon inquiry at the said land or premises, the summons for the nonpayment of the rate may be served in like manner.

40. *Demand of rate from a corporation or a company.*] When a poor rate is assessed upon any corporation aggregate, joint stock or other company, or any conservators or other public trustees, a demand for payment, either made by letter sent through the post addressed to the clerk or secretary or other principal officer of the corporation, company, conservators, or trustees, at the office of such corporation, company, conservators, or trustees, or made personally upon such clerk, secretary, or officer at such office, shall be deemed a sufficient demand, and a summons for the nonpayment of such rate may be served in like manner.

41. *Payments for bastard children.*] When and so often as any bastard child for whose maintenance an order has been made by justices under the provisions of the 5th section of the 7th & 8th Vict. c. 101, shall become chargeable to the parish or union, any two justices in petty sessions may, if they shall see fit, by order under their hands and seals, from time to time appoint some relieving or other officer of the parish or union to which such bastard child shall be so chargeable, to receive on account of such parish or union such proportion of the payments then due or becoming due under the order of petty sessions made under the provisions of the said Act as may accrue during the period for which such child is chargeable, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become chargeable as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one justice for the like period; and so much of section 7 of the said Act as prohibits an officer of any parish or union from receiving money under such order as aforesaid is hereby repealed, and any payment so ordered to be made shall be recoverable by the relieving officer or other officer appointed to receive it in the manner provided by section 3 of the said Act.

42. *Provision for poor deaf and dumb or blind children.*] The guardians of any union or parish may, with the approval of the Poor Law Board, send any poor deaf and dumb or blind child to any school fitted for the reception of such child, though such school shall not have been certified under the provisions of the Act of the 25th & 26th years of Vict. c. 43.

43. *Certain lunatics may be received in workhouses from county asylums.*] The guardians of any union or parish may, with the consent of the Poor Law Board and the Commissioners in Lunacy, and subject to such regulations as they shall respectively prescribe, receive into the workhouse any chronic lunatic not being dangerous who may have been removed to a lunatic asylum, and selected by the superintendent of the asylum and certified by him to be fit and proper so to be removed, upon such terms as may be agreed upon between the said guardians and the committee of visitors of any such asylum, and thereupon every such lunatic, so long as he shall remain in such workhouse, shall

continue a patient on the books of the asylum for and in respect of all the provisions in the Lunacy Acts, so far as they relate to lunatics removed to asylums.

44. *Repeal of penalties on parish officers supplying goods in unions.*] So much of the Act of the 55th year of the reign of King George the Third, chapter 137, and of the Poor Law Amendment Act, 1834, as renders the churchwardens and overseers of the poor of any parish comprised in a union liable to a penalty in respect of the furnishing, providing, or supplying of goods, materials, or provisions for the use of any workhouse, or the support and maintenance of the poor, shall, as regards any supply after the passing of this Act, be repealed.

45. *Interpretation of terms and consolidation of the Acts.*] The words used in this Act shall be construed in the like manner as in the Poor Law Amendment Act, 1834, and subsequent Acts amending and extending the same, and the provisions contained therein and in such subsequent Acts, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

46. *Short title.*] This Act may be cited and described for all purposes as "The Poor Law Amendment Act, 1868."

## CAP. CXXIII.

An Act to amend the Law relating to Salmon Fisheries in Scotland. [31st July, 1868.]

## CAP. CXXIV.

An Act to amend the Laws relating to the Inland Revenue. [31st July, 1868.]

1. *Penalties under Inland Revenue Acts to belong to her Majesty.*

2. *Expenses of prosecutions to be paid out of supplies provided by Parliament.*

3. *Condition in distiller's bond specifying time for using duty-free sugar, &c., may be dispensed with or altered. In such cases duty to be paid on deficiency in quantity of sugar, &c., in stock.*

4. *Methylated spirit may be sold by the maker in vessels of five gallons content.*

5. *Retailer of methylated spirit may receive such spirit from another retailer in a quantity not exceeding a gallon at one time.*

6. *Defining the meaning of the word "spirits" in sections 17 and 18 of 1 & 2 Will. 4, c. 55.*

7. *Mortgage debts on leaseholds may be deducted from the value thereof before probate, &c.*

8. *Affidavit of value for probate, &c., in England or Ireland to be in the form in the schedule.*

9. *Arrears of legacy duty or succession duty to be paid with interest.*

10. *Reduction of duty on foreign and colonial bonds, &c., for money not exceeding £25.*

11. *The exemption from stamp duty in favour of building societies restricted in the case of mortgages.*

12. *As to stamp duty on transfers of debenture stock.*

## CAP. CXXV.

An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections. [31st July, 1868.]

1. *Short title of Act.*

2. *Definition and jurisdiction of Court.*

3. *Interpretation of terms,—Metropolitan district; Election; County; Borough; Candidate; Corrupt practices; Rules of court; Prescribed.*

4. *Provision as to speaker.*

5. *To whom and by whom election petition may be presented.*

6. *Regulations as to presentation of election petition.*

7. Copy of petition after presentation to be sent to returning officer.

8. Recognizance may be objected to.

9. Determination of objection to recognizance.

10. List of petitions at issue to be made.

11. Mode of trial of election petitions.

12. Applications to the Court respecting trials.

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14. House of Commons may make order on special report.

15. Report of the judge as to corrupt practices.

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18. Acceptance of office not to stop petition.

19. Prorogation of Parliament.

20. Form of petition.

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22. Joint respondents to petition.

23. Provision in cases where more than one petition is presented.

24. Shorthand writer to attend trial of election petition.

25. Rules to be made by Court.

26. Practice of House of Commons to be observed.

27. Performance of duties by prescribed officer.

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29. Power of judge.

30. Attendance on judge.

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32. Judge may summon and examine witnesses.

33. Indemnity to witnesses.

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35. Withdrawal of petition and substitution of new petitioners.

36. Court to report to the Speaker circumstances of withdrawal.

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38. Admission in certain cases of voters to be respondents.

39. Respondent not opposing not to appear as party or to sit.

40. Provisions for cases of double return where the member complained of declines to defend his return.

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44. Penalty for employing corrupt agent.

45. Disqualification of persons found guilty of bribery.

46. Amendment of the law relating to the disqualification of candidates for corrupt practices.

47. Removal of disqualification on proof that disqualification was procured by perjury.

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49. Calculation of time.

50. Controverted elections to be tried under Act.

51. Returning officer if complained of to be respondent.

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56. Commissions of inquiry into corrupt practices.

57. Rules as to agents practising in cases of election petitions.

58. Application of Act to Scotland.

59. Duration of Act.

#### CAP. CXXVI.

An Act to enable Her Majesty the Queen to carry into effect a Convention made between Her Majesty and other Powers relative to a Loan for the Completion of Works for the Improvement of the Navigation of the Danube. [31st July, 1868.]

#### CAP. CXXVII.

An Act to prevent the Removal of the Tower of the Church of Saint Mary Somerset, in the City of London, and for vesting the said Tower and the Site thereof, and a Portion of the Burial Ground attached to the said Church, in the Corporation of the said City. [31st July, 1868.]

#### CAP. CXXVIII.

An Act to extend the Provisions of the Act Twenty-eighth and Twenty-ninth Victoria, Chapter One hundred and thirteen, to Persons who have held the Office of Lord High Commissioner of the Ionian Islands. [31st July, 1868.]

#### CAP. CXXIX.

An Act to amend the Law relating to the Registration of Ships in British Possessions. [31st July, 1868.]  
Be it enacted &c.

1. Grant of terminable certificates of registry, subject to conditions, in colonies.] The governor or officer lawfully administering the government of any British possession may from time to time, with the approval of one of her Majesty's principal secretaries of state, make regulations provided that on an application for registration under the Merchant Shipping Act, 1854, in that possession of any ship not exceeding sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by that Act, a certificate of registry to be terminable at the end of six months from the granting thereof, or of any longer period; and all certificates of registry granted under any such regulations shall be in such form and shall have effect subject to such conditions as the regulations prescribe.

2. Ship to be deemed registered.) Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period be deemed a registered British ship.

3. Governors abroad may appoint surveyors.] The governor of any British possession abroad may from time to time appoint fit and proper persons to be surveyors, who shall have and exercise within such possession all the powers with respect to the inspection of crew spaces that are conferred upon the Board of Trade surveyors in the United Kingdom by section nine of the Merchant Shipping Act, 1867.

4. Construction of Act.] This Act shall be read as one Act with the Merchant Shipping Act, 1854, and the Acts amending the same.

5. Short Title.] This Act may be cited as The Colonial Shipping Act, 1868.

#### CAP. CXXX.

An Act to provide better Dwellings for Artizans and Labourers. [31st July, 1868.]



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31 & 32 VICTORIE.

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- COUNTY GENERAL ASSESSMENT;** to abolish the power of levying the assessment known as "rogue money," and in lieu thereof to confer on the Commissioners of Supply of Counties in Scotland the power of levying a "county general assessment"—S. c. 82.
- COURT OF CHANCERY, &c.;** to amend the Act 30 & 31 Vict. c. 64, to make further provision for the despatch of business in the Court of Appeal in Chancery—E. c. 11 4
- for transferring the Fee and other Funds of the Courts of Chancery and Exchequer in Ireland to the Consolidated Fund—U. K. c. 88.
- COURT OF JUSTICIARY;** to amend the procedure in the Court of Justiciary and other Criminal Courts in Scotland—S. c. 95.
- COURT OF SESSION;** to amend the procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of Scotland, and to make certain changes in the other Courts thereof—S. c. 100.
- COURTS OF LAW, FEES, &c.;** to provide for the collection by means of stamps of fees payable in the Supreme and Inferior Courts of Law in Scotland, and the offices belonging thereto; and for other purposes relative thereto—S. c. 55 ..... 13
- See also Chancery.
- CRIMINAL LAW PROCEDURE, &c.;** to amend the law relating to larceny and embezzlement—E. & I. c. 116 ..... 25
- to amend the procedure in the Court of Justiciary and other Criminal Courts in Scotland—S. c. 95.
- See also Indorsing Warrants. Juries.
- CROWN, CLERKS OF THE;** to make provision for the payment of salaries to Clerks of the Peace and Clerks of the Crown in certain Boroughs in Ireland—I. c. 98.
- CURRAGH OF KILDARE;** to make better provision for the management and use of the Curragh of Kildare—I. c. 60.
- CUSTOMS;** to grant certain duties of Customs and Income Tax—U. K. c. 28.
- See also Revenue Officers, &c.
- DANUBE WORKS LOAN;** to enable her Majesty the Queen to carry into effect a convention made between her Majesty and other powers relative to a loan for the completion of works for the improvement of the navigation of the Danube—U. K. c. 126.
- DEANS AND CHAPTERS.** See Orders in Council.
- DEATH, PUNISHMENT OF;** to provide for carrying out of Capital Punishment within prisons—G. B. & I. c. 24.
- DEBENTURE STOCK.** See Indian Railway Companies.
- DECLARATION OF LEGITIMACY, &c.;** to enable persons in Ireland to establish legitimacy and validity of marriages, and the right to be deemed natural-born subjects—I. c. 20 ..... 5
- DECREETS.** See Judgments Extension.
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- DESPATCH OF BUSINESS (COURT OF CHANCERY);** to amend the Act 30 & 31 Vict. c. 64, to make further provision for the despatch of business in the Court of Appeal in Chancery—E. c. 11 ..... 4
- DISABILITIES REMOVAL.** See Revenue Officers, &c.
- DISEASES, CONTAGIOUS;** to amend the Contagious Diseases Act, 1866 (29 & 30 Vict. c. 35)—E. & I. c. 80.
- DISEMBODIED MILITIA.** See Militia.
- DISTRICT CHURCH TITHES;** to amend the District Church Tithes Act, 1868 (28 & 29 Vict. c. 42.), and to secure uniformity of designation amongst incumbents in certain cases—E. & I. c. 117 ..... 28
- DISTRICT LUNATIC ASYLUMS,** to make provision for the audit of accounts of—I. c. 97.

**DIVISIONS OF COUNTIES.** See Boundary.

**DIVORCE, &c. COURT;** to amend the law relating to appeals from the Court of Divorce and Matrimonial Causes in England—E. c. 77 ..... 21

**DOCUMENTARY EVIDENCE;** to amend the Law relating to Documentary Evidence in certain cases—U.K. c. 37... 9

**DONAGHADEE AND PORTPATRICK, COMMUNICATION BETWEEN.** See Railways.

**DRAINAGE, &c. OF LANDS;** to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88) and the Acts amending the same—I. c. 3.

**DRUGGISTS.** See Chemists and Druggists.

**DUCHY OF CORNWALL;** to extend the Provision in "The Duchy of Cornwall Management Act, 1863," (26 & 27 Vict. c. 49) relating to permanent Improvements—E. c. 35.

**DWELLINGS FOR ARTIZANS, &c.;** to provide better Dwellings for Artizans and Labourers—G.B. & I. c. 130.

**EAST INDIA.** See Indian Prize Money. Indian Railway Debentures.

**EAST OF LONDON MUSEUM;** to provide for the Acquisition of a site for a museum in the East of London—E. c. 8.

**ECCLESIASTICAL BUILDINGS AND GLEBES;** to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in Scotland—S. c. 96.

**ECCLESIASTICAL COMMISSION;** to amend the Law relating to the Ecclesiastical Commissioners for England—E. c. 114.

— for declaring valid certain Orders of her Majesty in Council relating to the Ecclesiastical Commissioners for England and to the Deans and Chapters of certain Churches—E. c. 19.

**ECCLESIASTICAL SALARIES.** See West Indies.

**EDINBURGH MUNICIPAL RATE;** to amend the Act 23 & 24 Vict. c. 50, by abolishing the rate imposed by the said Act on all occupiers of premises within the extended municipal boundaries of the City of Edinburgh—S. c. 42.

**EDUCATION;** to make further Provision for the good government and extension of certain public schools in England—E. c. 118..... 28  
— See also Schools, &c.

**EDUCATIONAL PURPOSES, BUILDINGS FOR.** See Sites of Religious, &c. Buildings.

**ELECTIONS, MUNICIPAL;** to amend the laws for the election of the magistrates and council of royal and parliamentary burghs in Scotland—S. c. 108.

— to alter the qualifications of the electors in places in Scotland under the Act 25 & 26 Vict. c. 101, or under the Act 13 & 14 Vict. c. 33, and to amend the said Acts—S. c. 102.

**ELECTIONS, PARLIAMENTARY;** to amend the representation of the people in Ireland—I. c. 49.

— to amend the representation of the people in Scotland—S. c. 48.

— to amend the law of registration so far as relates to the year 1868—E. c. 58 ..... 13  
— to amend the law of registration in Ireland—I. c. 112.

— to settle and describe the limits of certain boroughs and the divisions of certain counties in England and Wales, in so far as respects the election of members to serve in Parliament—E. c. 46.

— for amending the laws relating to election petitions, and providing more effectually for the prevention of corrupt practices at Parliamentary elections—G.B. & I. c. 125..... 37

— to amend the law relating to the use of voting papers in elections for the Universities—E. & I. c. 65.

— to make provision in the case of boroughs ceasing to return members to serve in Parliament respecting rights of election which have been vested in persons entitled to vote for such members—E. c. 41 ..... 10

— to relieve certain officers employed in the collection and management of her Majesty's revenues from any legal disability to vote at the election of members to serve in Parliament—G.B. & I. c. 73.

— to forbid the issue of writs for members to serve in Parliament for the boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster—E. c. 6..... 3

**ELECTRIC TELEGRAPHS;** to enable her Majesty's Postmaster-General to acquire, work, and maintain electric telegraphs—G.B. & I. c. 110.

**EMBANKMENT OF THE THAMES.** See Thames Embankment, &c.

**EMBEZZLEMENT;** to amend the law relating to larceny and embezzlement—E. & I. 116 ..... 28

**ENDOWED SCHOOLS;** for annexing conditions to the appointment of persons to offices in certain schools—E. c. 32.

**ENTAIL, LAW OF;** to amend in several particulars the law of entail in Scotland—S. c. 84.

**ESTABLISHED CHURCH.** See Church of England, &c.

**EVIDENCE, LAW OF;** to amend the law relating to documentary evidence in certain cases—U.K. c. 37 ..... 9

**EXCHEQUER BONDS;** for raising the sum of £1,600,000 by Exchequer Bonds for the service of the year ending 31st March, 1869—U.K. c. 27.

**EXCHEQUER, COURT OF;** for transferring the Fee and other Funds of the Court of Chancery and Exchequer in Ireland to the Consolidated Fund—U.K. c. 88.

**EXCISE.** See Inland Revenue. Revenue Officers, &c.

**EXPIRING LAWS;** to continue various expiring laws—U.K. c. 111.

**EXTENSION OF TIME FOR RAILWAYS;** to give further time for making certain railways—G.B. & I. c. 18 ..... 4

**EXTRA RECEIPTS OF PUBLIC DEPARTMENTS.** See Public Departments.

**FAIRS;** to amend the law relating to fairs in England and Wales—E. c. 51 ..... 11

— to facilitate the alteration of days upon which, and of places at which, fairs are now held in Ireland—I. c. 12.

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**FEES IN COURTS OF LAW;** to provide for the collection by means of stamps of fees payable in the Supreme and Inferior Courts of Law in Scotland, and in the offices belonging thereto; and for other purposes relative thereto—S. c. 55.

— for transferring the Fee and other Funds of the Courts of Chancery and Exchequer in Ireland to the Consolidated Fund—U.K. c. 88.

**FEES IN PUBLIC DEPARTMENTS;** to regulate the Disposal of extra receipts of public departments—U.K. c. 9.

**FISHERIES;** to amend the law relating to salmon fisheries in Scotland—S. c. 123.

— to continue in force the Act 2 Geo. 2, c. 19, for the better regulation of the Oyster Fishery in the River Medway—E. c. 53.

— to carry into effect a convention between her Majesty and the Emperor of the French concerning the fisheries in the seas adjoining the British Islands and France, and to amend the laws relating to British Sea Fisheries—U. K. c. 45.

**FRAMPTON MANSEL;** to render valid marriages heretofore solemnized in the Chapel of Ease of Frampton Mansel in the parish of Sapperton (Gloucester)—E. c. 23.

**FRANCE.** See Fisheries.

**GAMING;** to amend the Act 5 Geo. 4, c. 83, for punishing idle and disorderly persons, and rogues and vagabonds so far as relates to the use of instruments of gaming—E. c. 52 ..... 12

**GENERAL ASSEMBLY OF NEW ZEALAND.** See New Zealand.  
**GENERAL POLICE AND IMPROVEMENT (SCOTLAND);** to alter the qualifications of the electors in places in Scotland under the Act 25 & 26 Vict. c. 101, or under the Act 13 & 14 Vict. c. 33, and to amend the said Acts in certain other respects—S. c. 102 ..... 23

**GLEBES;** to amend the procedure in regard to Ecclesiastical Buildings and Glebes in Scotland—S. c. 96.

**GOVERNORS OF COLONIES;** to extend the provisions of the Act 28 & 29 Vict. c. 113, to persons who have held the office of Lord High Commissioner of the Ionian Islands—U. K. c. 128.

**GREAT YARMOUTH;** to forbid the issue of a writ for members to serve in Parliament for the borough of—E. c. 6. .... 3

**HABEAS CORPUS SUSPENSION;** to further continue the Act 29 & 30 Vict. c. 1, "to empower the Lord Lieutenant or other chief governor or governors of Ireland to apprehend, and detain for a limited time such persons as he or



- they shall suspect of conspiring against her Majesty's person and government"—I. c. 7.
- HAGLEY. See Blakedown.
- HERITABLE PROPERTY; to improve the system of registration of writs relating to heritable property in Scotland—S. c. 64.
- See also Titles to Land.
- HUDSON'S BAY COMPANY; for enabling her Majesty to accept a surrender upon terms of the lands, privileges, and rights of "the governor and company of adventurers of England trading into Hudson's Bay," and for admitting the same into the dominion of Canada—U. K. c. 105.
- IMPROVEMENT OF LANDS. See Drainage, &c. of Lands.
- IMPROVEMENTS. See London Coal and Wine Duties. Duchy of Cornwall.
- INCLOSURE, &c. COMMISSION; to alter certain provisions in the Acts for the commutation of tithes, and Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land; and to make provision towards defraying the expense of the Copyhold, Inclosure, and Tithe Office—E. c. 89.
- INCOME TAX; to grant to her Majesty additional rates of Income Tax—U. K. c. 2.
- to grant certain duties of Income Tax—U. K. c. 28.
- INCUMBENTS OF PARISHES, &c.; to amend the District Church Tithes Act, 1865, (28 & 29 Vict. c. 42) and to secure uniformity of designation amongst incumbents in certain cases—E. & I. c. 117..... 28
- INDIAN PRIZE MONEY; for the appropriation of certain unclaimed shares of prize money acquired by soldiers and seamen in India—U. K. c. 38.
- INDIAN RAILWAY COMPANIES; to enable certain guaranteed Indian railway companies to raise money on debenture stock—U. K. c. 26.
- INDICTABLE OFFENCES ACT AMENDMENT. See Indorsing of Warrants.
- INDORSING OF WARRANTS; to amend the law relating to, in Scotland, Ireland, and the Channel Islands—G.B. & I. c. 107..... 25
- INDUSTRIAL SCHOOLS; to extend the Industrial Schools Act (29 & 30 Vict. c. 118) to Ireland—I. c. 25.
- INLAND REVENUE; to amend the laws relating to the inland revenue—U. K. c. 124.
- See also Revenue Officers, &c.
- INSPECTORS. See Poor Relief, &c.
- IONIAN ISLANDS; to extend the provision of the Act 28 & 29 Vict. c. 113, to persons who have held the office of Lord High Commissioner of the Ionian Islands—U. K. c. 128.
- IRELAND, ACTS RELATING SPECIALLY TO. See Actions for Libel. Burials. Chancery, Court of. Clerks of the Peace and Crown. Curragh of Kildare. Declaration of Legitimacy, &c. District Lunatic Asylums. Drainage, &c. of Lands. Elections, Parliamentary. Fairs. Habeas Corpus Suspension. Industrial Schools. Juries. Leasehold Tenures. Libel. Medical Inspectors. Petit Juries. Portpatrick and Belfast, &c. Railway. Railways. Reformatory Schools. Registration. Renewable Leasehold Conversion. Representation of the People. Stockbrokers. Trial of Traverses. Vaccination.
- JUDGMENTS EXTENSION; to render judgments or decreets obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other part of the United Kingdom—G.B. & I. 54 ..... 12
- JURIES—JURORS; to amend the law relating to petit juries in Ireland—I. c. 75.
- to give relief to jurors who may refuse or be unwilling from alleged conscientious motives to be sworn in civil or criminal proceedings in Scotland—S. c. 39.
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- JUSTICIARY, &c. COURTS; to amend the procedure in the Court of Justiciary and other criminal courts in Scotland—S. c. 95.
- JUVENILE OFFENDERS. See Industrial Schools. Reformatory Schools.
- KILDARE (THE CURRAGH); to make better provision for the management and use of the Curragh of Kildare—I. 60.
- LABOURERS' DWELLINGS; to provide better dwellings for artisans and labourers—G.B. & I. c. 130.
- LANARKSHIRE COUNTY PRISONS; to amend the Acts 23 & 24 Vict. c. 105, and 28 & 29 Vict. c. 84, for the administration of prisons in Scotland in so far as regards the County of Lanark, &c.—S. c. 50.
- LANCASTER, to forbid the issue of a writ for members to serve in Parliament for the borough of—E. c. 6 ..... 3
- LAND REGISTERS; to improve the system of registration of writs relating to heritable property in Scotland—S. c. 64.
- LAND, TITLES TO; to consolidate the statutes relating to the constitution and completion of titles to heritable property in Scotland, and to make certain changes in the law of Scotland relating to heritable rights—S. c. 101.
- LANDS, DRAINAGE OF. See Drainage, &c. of lands.
- LARCENY AND EMBEZZLEMENT, to amend the law relating to—E. & I. c. 116 ..... 28
- LAW OF EVIDENCE. See Documentary Evidence.
- LAWS, EXPIRING; to continue various expiring laws—U. K. c. 111.
- LEASEHOLD TENURES; to extend the provisions of "The Renewable Leasehold Conversion (Ireland) Act," (12 & 13 Vict. c. 105) to certain leasehold tenures in Ireland—I. c. 62.
- LEGISLATIVE COUNCIL, NEW ZEALAND; to make provision for the appointment of members of the Legislative Council of New Zealand, and to remove doubts in respect of past appointments—U. K. c. 57.
- LEGITIMACY DECLARATION; to enable persons in Ireland to establish legitimacy and the validity of marriages, and the right to be deemed natural-born subjects—I. c. 20 5
- LIBEL; to assimilate the law in Ireland to the law in England as to costs in actions of libel—I. c. 69..... 13
- LIMITS OF COUNTIES AND BOROUGHES. See Boundary.
- LIQUIDATION; to facilitate liquidation in certain cases of bankruptcy arrangement and winding-up—E. c. 68... 17
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- LOCK-UP HOUSES; to amend the law relating to places for holding petty sessions and to lock-up houses for the temporary confinement of persons taken into custody and not yet committed for trial—E. c. 22 ..... 6
- LONDON. See Metropolis, &c.
- LONDON COAL AND WINE DUTIES; to further continue and appropriate the London coal and wine duties—E. c. 17.
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- LONDON MUSEUM SITE; to provide for the acquisition of a site for a museum in the East of London—E. c. 8.
- LONDON (ST. MARY SOMERSET); to prevent the removal of the tower of the church of St. Mary Somerset, and for vesting the said tower and the site thereof, and a portion of the burial ground attached to the said church, in the Corporation of the City of London—E. c. 127.
- LORD HIGH COMMISSIONER OF THE IONIAN ISLANDS. See Colonial Governors' Pensions.
- LUNATIC ASYLUMS; to make provision for the audit of accounts of district lunatic asylums in Ireland—I. c. 97.
- MAGISTRATES, ELECTION OF. See Municipal Elections.
- MARINE ASSURANCE, to enable assignees of marine policies to sue thereon in their own names—U.K. c. 86..... 22
- MARINE MUTINY; for the regulation of her Majesty's Royal Marine Forces while on shore—U.K. c. 15.
- MARRIAGES VALIDITY; to render valid marriages heretofore solemnized in the chapel of ease called St. James the Greater Chapel, Blakedown, in the parish of Hagley, (Worcester)—E. c. 113.
- to render valid marriages heretofore solemnized in the chapel of ease of Frampton Mansel in the parish of Sapperton (Gloucester)—E. c. 23.
- for removing doubts as to the validity of certain marriages between British subjects in China and elsewhere, for the amending the law relating to the marriage of British subjects in foreign countries—U.K. c. 61.

**MARRIAGES VALIDITY.** See also Legitimacy Declaration.  
**MATRIMONIAL CAUSES.** See Divorce, &c., Court.  
**MEDICAL ACT AMENDMENT;** to amend the law (21 & 22 Vict. c. 90) relating to medical practitioners in the colonies—U.K. c. 29.  
**MEDICAL INSPECTORS,** to extend the power of, in Ireland—I. c. 74.  
**MEDICAL PRACTITIONERS.** See Medical Act Amendment. Pharmacy Act.  
**MEDWAY REGULATION;** to continue in force the Act 2 Geo. 2 c. 19, for the better regulation of the Oyster Fishery in the river Medway—E. c. 53.  
**MEMBERS OF PARLIAMENT.** See Elections, Parliamentary.  
**METROPOLIS IMPROVEMENT;** for extending the provisions of "The Thames Embankment and Metropolis Improvement (Loans) Act, 1864" (27 & 28 Vict. c. 61), and for amending the powers of the Metropolitan Board of Works in relation to loans under that Act—E. c. 43.  
**METROPOLITAN FAIRS;** for the prevention of the holding of unlawful fairs within the limits of the Metropolitan Police district—E. c. 106..... 24  
**METROPOLITAN POLICE FUNDS;** to amend the law relating to the funds provided for defraying the expenses of the metropolitan police—E. c. 67.  
**METROPOLITAN STREETS ACT;** for the Amendment of "The Metropolitan Streets Act, 1867" (30 & 31 Vict. c. 134)—E. c. 5..... 3  
**MILITIA PAY;** to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied Militia in Great Britain and Ireland; to grant allowances in certain cases to Subaltern Officers, adjutants, paymasters, quartermasters, surgeons, assistant surgeons, and surgeons mates of the Militia; and to authorize the employment of the non-commissioned officers—G.B. & I. c. 76.  
**MUNICIPAL ELECTIONS;** to amend the laws for the election of the magistrates and councils of royal and parliamentary burghs in Scotland—S. c. 108.  
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**MUNICIPAL RATE (EDINBURGH);** to amend the Act 23 & 24 Vict. c. 50, by abolishing the rate imposed by the said Act on all occupiers of premises within the extended municipal boundaries of the City of Edinburgh—S. c. 42.  
**MUSEUM, SITE FOR.** See London Museum Site.  
**MUTINY;** for punishing mutiny and desertion, and for the better payment of the army and their quarters—U.K. c. 14.  
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**NAPIER'S (SIR ROBERT) ANNUITY;** to settle an Annuity upon Lieutenant-General Sir Robert Napier, G.C.B., G.C.S.I., and the next surviving heir male of his body, in consideration of his eminent services—U.K. c. 91.  
**NAVIGATION OF THE DANUBE.** See Danube Works Loan.  
**NEW ZEALAND—NEW ZEALAND COMPANY;** to make Provision for the appointment of members of the Legislative Council of New Zealand, and to remove doubts in respect of past appointments—U.K. c. 57.  
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 — to remove doubts respecting the operation of the New Zealand Company's Act, 9 & 10 Vict. c. cccxxxii.—U.K. c. 93.  
**OATHS;** to amend the law relating to promissory oaths—G.B. & I. c. 72.  
**OFFICERS OF PRISONS COMPENSATION;** to provide compensation to officers of certain discontinued prisons—E. c. 21..... 6  
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**PARLIAMENTARY ELECTIONS;** to amend the representation of the people in Ireland—S. c. 44.  
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 — to make provision in the case of boroughs ceasing to return members to serve in Parliament respecting rights of election which had been vested in persons entitled to vote for such members—E. c. 41 ..... 10  
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**PARTITION;** to amend the law relating to partition—E. & I. c. 40 ..... 10  
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**PAYMENT BY PUBLIC DEPARTMENTS;** to empower certain public departments to pay otherwise than to executors or administrators small sums due on account of pay or allowances to persons deceased—U.K. c. 90.  
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**PHARMACY ACT;** to regulate the sale of poisons, and alter and amend the Pharmacy Act, 1852 (15 & 16 Vict. c. 56)—G.B. c. 121 ..... 33  
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**POLICIES OF MARINE ASSURANCE;** to enable assignees of marine policies to sue thereon in their own names—U. K. c. 86 ..... 22  
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- they shall suspect of conspiring against her Majesty's person and government"—I. c. 7.
- HAGLEY. See Blakedown.
- HERITABLE PROPERTY; to improve the system of registration of writs relating to heritable property in Scotland—S. c. 64.
- See also Titles to Land.
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- IMPROVEMENT OF LANDS. See Drainage, &c. of Lands.
- IMPROVEMENTS. See London Coal and Wine Duties. Duchy of Cornwall.
- INCLOSURE, &c. COMMISSION; to alter certain provisions in the Acts for the commutation of tithes, and Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land; and to make provision towards defraying the expense of the Copyhold, Inclosure, and Tithe Office—E. c. 89.
- INCOME TAX; to grant to her Majesty additional rates of Income Tax—U. K. c. 2.
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